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THE
PRESENT STATE
OF THE
Church of IRELAND:

CONTAINING

A Description of it's PRECARIOUS SITUATION;
and the consequent DANGER to the PUBLIC.

Recommended to the serious Consideration of the Friends of

The Protestant Interest.

TO WHICH ARE SUBJOINED,

Some Reflections on the Impracticability of a proper
Commutation for TITHES;

AND

A General Account of the Origin and Progress of
the INSURRECTIONS in MUNSTER.

THE NINTH EDITION.

By *RICHARD* Lord Bishop of *CLOYNE*.

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P R E F A C E

TO THE

N I N T H E D I T I O N .

AS the continued demand for this little Tract renders another Edition necessary, I shall avail myself of this opportunity of drawing the attention of the Publick to some very material circumstances, which have occurred in the course of the last Winter, and serve at once to confirm the principles, and to justify, beyond all cavil, the original publication of it.

When I first committed these Papers to the press, I was well aware of the Hazard to which I was exposing myself by the delicacy of the subject, the insufficiency of the time allowed me to give it an adequate discussion, and the certainty of misrepresentation and abuse. I therefore prefixed to them a short Advertisement, in order to bespeak favour from the critical Reader, as well as candour from those, whose Opinions my Duty to the Church and State obliged me to exhibit. I say to *exhibit*; for I did not controvert *their truth*. It was quite sufficient for my immediate purpose to state them, and their dangerous tendency to the Constitution. And this was a matter of necessity, when the National Church was assailed by open force,

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sapped by artful publications, and betrayed by interested individuals; when its Clergy were despoiled of their property, persecuted in their persons, traduced in their character, and of course embarrassed in their ministry; when Pastors were driven by terror from their Cures, Churches insulted and violated, the source of their repairs cut off, the supplies for the decency of Divine Service and the celebration of the holy Communion withheld: when the disorders which had overrun one Province were spreading to the others, and advancing towards the Capital; and in this moment of *danger* (for what could constitute danger, if such proceedings did not?) there by no means appeared in the great body of Protestants a Vigilance suited to their critical situation. The *disturbances* prevailed (Mr. O'Leary says, p. 14th, "they took their rise") in the Diocess intrusted to my care; and I gave an *official* Alarm to the Nation. Does this proceeding require any Apology? Had I been mistaken, I should still stand excused. Had I not done it, I might be accused, with rather more justice than I am at present, by Dr. Butler, of having * "slumbered on my "Watch." But that my Fears were well-grounded, that I did not "*awake*" (as he is pleased to describe me) "with hasty apprehensions of dreaming terror," I may *now* appeal to the highest Authorities, such as Dr. Butler will hardly presume to dispute: the Speech of his Grace the Lord Lieutenant from the Throne at the opening of the Session, not a month after my Pamphlet appeared; the Addresses of both Houses of Parliament, carried with such Unanimity, as scarce ever attends a publick measure; and the vigorous and salutary Laws enacted (with less Opposition than could have

* See Dr. Butler's Justification, p. 5th.

have been imagined to regulations so strong and novel) for the preservation of the Church, and the maintenance of the publick Peace. From these proceedings of Parliament it is manifest, that the Members of Administration and the Legislature, who evidently possess the best information, entertained no more doubt of the Danger of the Ecclesiastical Constitution, than they did of its inseparable connexion with the Civil. Under their high sanction therefore are established equally the truth of my Positions, and the propriety of my bringing them forward to the notice of both Kingdoms.

In bringing them forward however, and sounding this necessary Alarm, so far from * “ calling “ one part of the Nation to Arms against the “ other,” as Dr. Butler arraigns me for doing, I stated (p. 49.) the first Duty of the established Clergy to be, to “ impress on the minds of their “ people a Christian spirit of Love to their fellow- “ citizens who differ from them in religious opi- “ nions.” I studiously avoided every expression or insinuation, which could irritate or give reasonable offence to either of the two respectable bodies of our Fellow-citizens who dissent from the established Church. I apologized repeatedly for even stating their opinions, I lamented the Crisis which rendered it necessary, I used no opprobrious or taunting Epithets, employed no Sarcasm or Sneer, assigned no base or sinister motive, imputed no errors; I did not even *dispute* their tenets. I simply shewed, that a conscientious, and of course a laudable, adherence to the known doctrines (whether true or false) of their respective Churches must make them wish to overturn that Church, of which I, however unworthy, am appointed by my gracious Sovereign

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Sovereign a Guardian; and which I proved to have been, and still to be by many successive fundamental Acts of State so interwoven with the Civil Constitution, as to become essential to it. And this opinion has since received the Sanction of the Commons of Great Britain in the rejection of a motion for the repeal of the Test Act.

It was my good fortune (good fortune perhaps without a precedent!) that all my antagonists, differing as they do from each other in almost every thing but a disposition to vilify me, should unawares, and borne away, as it should seem, by a violence *natural enough to the disappointment of a favourite scheme*, conspire to prove that assertion, which is one of the main columns of my reasoning, *that the Church of Ireland is in Danger, from the wish of the Dissenters either to set up another ecclesiastical establishment, or to pull down all establishments.* The reader will judge how far my several Opponents, I mean such as are worth the slightest notice, have supported that assertion, by a few extracts from their respective Answers to me.

Mr. Barber, the Presbyterian Minister of Rathfryland, says (p. 6th) "Your Lordship declines entering into a Defence of Ecclesiastical Establishments in general, and you do wisely. It would be a Herculean labour indeed." (p. 9th) "Mankind were much better instructed without them" (p. 12th) "The business of Ecclesiastical Establishments has been to extirpate with fire and sword every sincere enquirer into the word of GOD." (p. 13.) "They who form their opinions from the Bible, and believe it to be the only rule of Faith, find many positive Precepts against Ecclesiastical Establishments of any kind." Pages 39. 40. and

41 are employed to prove that Popery ought to be established, (if there be any religious establishment,) in Ireland, as it is in Canada." "Had the Protestant Religion been established in that Province" (says he p. 40) it "would have been a greater instance of Despotism, than any this age has produced; it would have been the greatest Tyranny in the Government, and a total neglect of the rights of human nature. Like the poor Irish, they would have seen the established Minister, with his awful train, enter their cultivated plains, and carry away the tenth of their crop." (p. 42) "If I am to be plundered of my property, I do not care whether it be by John, Peter or Martin" (p. 57) "You oppose any Commutation for Tithes, and I heartily agree with your Lordship. If the evil was lessened, it might last longer. If the Clergy be entitled to the tenth of the increase, they ought to receive it in kind, without any compensation or bargain to give the value in money. By this quiet, peaceable and legal method, the evils they" (*that is, the Clergy,* a modest observation for the Member of a tolerated Sect!) "occasion, would in some degree be obviated; the Nation would in a great measure get rid of Bishops' Courts." Thus not content with reasoning against the establishment, he points out a mode (the very mode first suggested to the Whiteboys) of starving its Ministers, as he must know it to be impracticable for a Clergyman to take all his tithes in kind: and that if he could be supposed to do it, the Farmer would be still more *plundered* (to use his own expression) which certainly could not be the wish of the writer of that pamphlet. I think I need produce no more extracts, in proof that Mr. Barber wishes to pull down the Church of Ireland.

Mr.

Mr. O'Leary embraces the same system; for towards the conclusion of his Defence (p. 141) he deviates from his usual mode of treating me, and is pleased to say, he is "induced to *applaud* me for "declaring in my Introduction, that it is not my "object to enter into the Defence of Ecclesiastical "Establishments in general. It would be a heavy "task indeed; since the beginning of Ecclesiastical "Establishments until of late, Sovereigns, seduced "by the counsels of the Clergy, became the executioners of their Subjects." After a display of eloquence against Persecution, as if the Establishment of one Church necessarily implied the Persecution of all others, (a supposition which his very Publication overturns,) he proceeds, "Such are "the effects of Ecclesiastical Establishments in a "long succession of ages" (p. 144) "I consider "both (Tithes and Ecclesiastical Establishments) as "oppressive, in Ireland, *and elsewhere.*" It appears therefore, that Mr. O'Leary would not consent to establish *even the Church of Rome*; which is rather singular in a Regular of that Communion; but at all events, he has passed as decisive a sentence as Mr. Barber on the Church of Ireland as by Law established.

Dr. Butler and Dr. Campbell are of the other Division, from whom the National Church has equal Danger to apprehend; as they *wish* the establishment of their respective Churches——The former, in the conclusion of his letter to Cardinal Castelli, (p. 70) has this passage "Hæc prælibâsse, "Eminentissime Cardinalis, necesse duxi, ut Eminentia vestra & Sacra Congregatio persuasum "habeant, nullos in orbe terrarum Episcopos fidei "Catholicæ nobis tenaciores esse, aut *firmius Cathedræ Petri adhæsuros.*" This declaration to the
College

College for propagating the Romish faith, of his firm adherence to the Chair of St. Peter, *whose Royalties he was sworn to retain and defend against every man, whose rights, honours, privileges and authority he was sworn to be careful to enlarge*, plainly express a zeal to extend his jurisdiction to this kingdom by all lawful means, and of course to overturn (if it should be in his power) the Heretical Church established in it.——Dr. Campbell goes further, he *anticipates* the overthrow of it, and apostrophises with an air of triumph, “Don’t be afraid, on the deposing of your Church, that “Presbyterians will not be ready to make a proffer “of their own, for the maintenance of Govern- “ment, and the Protestant Ascendency” I really had no doubt, but that some of the Presbyterian *Clergy* would readily accept our benefices, Bishopricks excepted; but I am still of opinion, that few, if any, of the great body of the Laity of that Persuasion in this kingdom so strongly wish to render their Pastors *independent of them*, as to be disposed to submit to Tithe or Tax for that purpose. I mention this incidentally, in order to obviate an idea, that Dr. Campbell’s Proffer had refuted my assertion with regard to the Dislike of the Presbyterians of this kingdom to all Ecclesiastical Establishments; which is so strongly proved by one of his brethren Mr. Barber.——— But without fatiguing the Reader with additional extracts, I think he must see that as far as the influence of these four Gentlemen extends, (and doubtless the influence of each of them is considerable, as they stand forth the Champions of their several Churches) the National Church is in Danger.

How they will settle points between themselves, when they have effected their common object, the
Subversion

Subversion of the established Church, I cannot pretend to conjecture. How the Presbyterian Minister of Armagh who proffers his Church to the Government, can relish the Presbyterian Minister of Rathfryland's Rejection of all Churches——How the titular Arch-Bishop of Cashel, firmly adhering as he does to the Chair of St. Peter, and observant as he is of the commands of the Church, can brook, that a Franciscan Friar of his own Province should publicly declare, that Tithes and Ecclesiastical Establishments are oppressive, not only in Ireland, but *elsewhere*, that is, even in *Rome*; it is not my province to determine.

“ Haud nostrum est tantas componere lites.”

For myself, I am thankful to them all, for uniting to support my assertion, to justify my apprehensions, to prove the necessity of my Publication, and above all, to give a *very seasonable* warning to the friends of the Ecclesiastical Constitution, which our Chief Governor, and both Houses of Parliament have so recently declared to be inseparably connected with the Civil——For the sole purpose of shewing that they confirm my doctrines, I have *quoted* their Answers to me; for I am not attempting to confute their arguments, or even to rescue my principles from their misrepresentation. This has been so effectually done by Dr. Hales, Dr. Stock, Mr. Burrowes, and other learned men, who have come forward in support of the established Church with so much ability, and with so much credit to the Clergy of that Church, that if I were disposed to wear out the remainder of my life in Controversy, it would be sacrificing my ease to no purpose. The Work is done: and I think myself overpaid for the Abuse which I have sustained, which

which ultimately can be injurious only to the Persons who employ and the Cause which can be supposed to want it, by having given occasion to a full discussion of these momentous questions.—A review of the original Principles of a Constitution like ours which will stand that examination, and a comparison with those of other States, which must ever turn to its advantage, is at all times useful. Such enquiry tends to illustrate its merit, to detect the misrepresentation of the seditious Demagogue, to reconcile the real Patriot to imperfections incident to all human institutions, to console its quiet Subjects with a proper sense of their happiness, and of course to facilitate the execution of its salutary regulations. At the late crisis, such a review was become absolutely necessary. The first principles of the Constitution seemed nearly forgotten; the Comforts arising from it, though inestimable, from long enjoyment were scarcely recognized. Political and Religious Freedom, which constitute the soundness of the body Politick, are as little attended to, as uninterrupted Health in the body Natural; whilst every little abuse of one, and every trifling indisposition of the other occasion instant Uneasiness and Alarm. Innovators are as apt to tamper with the one, as Valetudinarians with the other, til in either case they have laid the foundation of mortal disease.

“Stavo bene, ma per star meglio, sto qui”

Might be as fitly inscribed on the ruins of a State, as on the tomb of an Individual. The actual incorporation of our Ecclesiastical Constitution with the Civil is now acknowledged; and the late exhibition of the principles of the Churches of Rome and Scotland, and their political operation, leave little doubt of the Wisdom of our ancient Legislators

tors in giving it the preference—This comparative view of the three Churches will probably prevent the Publick from listening to the *shallow* Politician, who surveying the whole Constitution, as an insect does a magnificent building, discerns every little irregularity on the surface, merely because he has not an organ of sight comprehensive enough to take in the design and majesty of the structure.

I shall now take my leave of the subject, with making a publick Apology to a noble Lord for a misrepresentation of his opinion by a quotation from Mr. Rayner on Tithes. His Lordship's plan for Commutation was not general, (as he did me the honour to inform me by Letter) but extended only "to such cases, where Bills of Inclosure brought the subject naturally under the consideration of Parliament" An Acknowledgement of this kind I should make with readiness in any case; but in this instance I do it with particular satisfaction, as it prevents the favourers of wild Innovation from sheltering themselves under so great an Authority as that of Lord *Bathurst*.

EXTRACT

E X T R A C T

From the PREFACE to the LONDON EDITION.

IN addition to my primary motive for printing this Pamphlet in London, which is, a conviction of the expediency of making known throughout Britain (if the circulation of it shall extend so far) the real danger of the Established Church in Ireland; I am further induced by some late Publications in England, favourable to * Innovation, to submit to the Publick *there* my ideas of the general danger of unsettling the Ecclesiastical part of the Constitution.

We are told by Mr. Rayner in his *Cases on Tithes*, that a noble Lord, who has filled the highest station in the Law, and in his Majesty's Councils, moved certain Resolutions in the House of Lords in the year 1781, as the ground-work of a plan for a general § Exchange of Tithes for *Land*; and that his Lordship perseveres in the pursuit of that object. It would ill become *me*, to offer an opinion as to the consistency of any *compulsory* measure for that purpose, with the principles of the English Laws and Constitution; but supposing the Exchange *voluntary*, and that such Exchange were liable to no Legal or Political objection, I cannot but entertain doubts of the expediency of it, in respect to *Religion*. It appears to me calculated to
render

* See Sect. 6.

§ See end of the Preface to the ninth Edition

render Non-residence easier to the Incumbent of a large Benefice; to tempt the Incumbents of those small Parishes, with which England abounds, to become *Farmers*; and on the whole, to diminish the Usefulness and Respectability of the National Clergy.

A learned Prelate has likewise given his sanction to extensive Innovations in the Church, which it is foreign from my present Plan to examine; but were they as beneficial, and as easily reducible to Practice, as they appear to the Proposer of them, (each of which points is very doubtful) I think the Reader will find sufficient proofs in the 1st Section of the following Tract, that they are *unconstitutional*.

A third (*anonymous*) proposer of Innovation in the Constitution of the English Church connects in the same pamphlet this species of Reformation, with *the payment of the National Debt*. When I first read the Title, it reminded me of the representations of *St. Ambrose* in his carriage drawn by a horse and a *Bear*, whom the Saint had miraculously pressed into his Service. The scheme of this Author for a *new Church* is too superficial, to be worth any further notice. The fate of his Project in the County where it was started, was such, as must have been expected by any reasonable man; though I own it was extraordinary, that in the *County of Northumberland* "two dozen" Gentlemen could be brought together, to deliberate on a measure, which might tend to dissolve the * Union, and bring back into their estates the miserable System described in *Nicholson's Border Laws*.

But

* See page 25.

But a much greater and more just alarm is excited by some of the principles contained in the tenth Chapter of the Sixth Book of *Paley's Moral and Political Philosophy*; which treats of Religious Establishments. As the known Abilities of the Author, his Situation in the Church, and the Merit of some parts of that work, are likely to give currency to sentiments immediately subversive of the Protestant Government of Ireland; I hope he will not think it inconsistent with the Respect I bear to him from personal acquaintance, that (my Station in that Kingdom considered) I should point out to the Publick in Great Britain, the dangerous tendency, as well as error of some of his opinions.

—The learned Writer assumes as a fundamental Maxim, That “it is an *equal chance*, which of two Religions is the more *true*, that of the Magistrate, or that of the People;” he then proceeds to deliver it as his opinion, that “*more efficacy* may be expected from an Order of men appointed to teach the People their own Religion,” than “to convert them to another.” From whence he infers, that “it is the *duty* of the *Magistrate*, in the choice of the Religion which he *establishes*, to consult the Faith of the Nation, rather than his own.”—Now to pass by the *strangeness* of the supposed Axiom, that it is an *equal chance*, whether the *Legislators*, or the *Populace* of a Country, are best qualified to form a sound judgment, which of two Religions is *true*—to pass by the impossibility that the Magistrate (the person, whose conduct is to be determined) can think it an *equal chance*, whether the Religion which he believes, or the Religion which he disbelieves, is true;—and of course the *strangeness* of the Casuistry, that it can be *his duty* to endow a Class of Men, for the purpose of teaching what in his conscience he thinks dangerous

dangerous Error, and of countenancing *Idolatry*, or other practices, which (he is convinced) are forbidden by the Supreme Being;—the fair and immediate *Inferences* from this Doctrine are a sufficient Confutation of it.—Were it to be admitted; Constantine and all other Christian Princes, must have infringed *their Duty*, in establishing Christianity; all Protestant States, in establishing the Reformation; and the Legislature of Ireland will infringe *their Duty*, if they do not establish Popery, the *moment* that it's Association with Jacobitism, which the Author allows to be a *temporary* objection, is at an end. Were this Doctrine true, Paganism, with all it's *Impurities* and *Horrors*, would be the established Religion of every Government in the world; for the Author proves very ably the necessity of an established Clergy, and if, as he says, “more *efficacy* is to be expected from an Order of “men appointed to teach the people their own “Religion, than to convert them to another,” What chance would there have been of the Conversion of a Pagan (except, in a few instances, amongst Philosophers) from any Errors however gross, which the Magistrate had sanctioned, and retained a number of Learned men to support; when there were no persons authorized to detect them, and teach the Truth?—Others of the Author's Positions are decisive against the Protestant Church in Ireland; for he says, “If the Dissenters from “the Establishment *become* a majority of the people, “the Establishment itself ought to be *altered* or “*qualified*.” And in another place, “If there “exist amongst the different Sects of the Country “such a parity of Numbers, Interest, or Power, as “to render the preference of one Sect to the rest, “and the Choice of that Sect, a matter of hazardous success, and of doubtful election; some plan “similar

“ similar to that which is meditated in North-
 “ America may perhaps suit better with this di-
 “ vided state of publick Opinions, than any Con-
 “ stitution of a National Church whatsoever.”
 Now this very North-American plan, of permitting
 every Subject to appropriate his legal quota of the
 Sum levied for paying the Clergy, to the Minister
 of *his own Sect*, the Author allows, in another place,
 “ to be scarcely compatible with that, which is the
 “ first requisite in an Ecclesiastical Establishment,
 “ the division of the Country into Parishes of a
 “ commodious extent;” and I am certain, it must
 instantly extinguish the Protestant Religion in Con-
 naught; and in all parts of Munster, and even
 Leinster, a very few great Towns excepted.

The learned Archdeacon's Idea of *complete To-*
leration, which includes “ the admission of Dis-
 “ senters from the established Religion to offices,
 “ and employments in the publick Service,” is
 likewise liable to great exception. If indeed his
 assertion were well founded, that “ When we view
 “ the Sects of Christianity which prevail in the
 “ world, we must confess, that with the single ex-
 “ ception of refusing to bear Arms, we find *no tenet*
 “ in any of them, which incapacitates them for the
 “ service of the State,” there would be a plausible
 ground for his Opinion. But has not the Papal
 See always held, that *Faith is not to be kept with*
Hereticks? * *And that Princes excommunicated by the*
Pope may be deposed and murdered by their Subjects?
 The Author is pleased to say, that “ it is not to
 “ Popery, that the Laws object, but to Popery, as
 B “ the

* I would not be understood to mean, that the Church of Rome
 holds that *Faith is not to be kept* with any man who is a Heretick in
 ordinary transaction of business, but *with Hereticks as such*; that is
 where the interest of the Church or the Holy See is concerned.

“the mark of Jacobitism;” but how does that appear? Are there no evidences, that our Law objects to Popery (in a Civil view) before the Revolution? Was the association of Jacobitism with Popery the cause of the opposition to the admission of Papists into Office in the time of James II? And was not that illegal intrusion of them one main cause of his Expulsion, which is the source of Jacobitism? *Does not our Government think it necessary to require a Declaration of Abhorrence of the principles above stated, as known Popish Doctrines? Has the Church of Rome ever disavowed them? Does not the contrary appear, on the latest occasions for calling it to decide on these Tenets?* Let the Reader judge, after he has perused the Appendixes II and III. whether there are not still “tenets” in the Romish Church, which incapacitate men for the service of a Protestant State: And “whether Jacobitism is the *sole* cause of suspicion, and the *sole* cause of those severe and “jealous Laws, which have been enacted against “the Professors of that Religion.”—After perusing those Authentick Documents, I am persuaded he will adopt the Arch-Deacon’s own decision in another part of that very Chapter, “If the *generality* “of any religious Sect entertain dispositions *hostile* “to the Constitution, and if Government have no “other way of knowing its Enemies, than by the “*Religion* they profess, the Professors of that Religion may justly be excluded from Offices of “Trust and Authority.”

INTRODUCTION.

INTRODUCTION.

LEST any Readers should be disappointed, by looking for the discussion of matters, foreign from the purpose of the Author; it may be proper to apprize them, what they are not, as well as what they are, to expect.

It is by no means his object, to enter into a Defence of Ecclesiastical Establishments in general. To evince the propriety of them, he relies on the manifest necessity of instructing the people in their duty, as Men, and Citizens; the impossibility of fixing Morality on a broad, or indeed any sure, basis, but that of Religion; the necessity of establishing in the Mind of the Subject, an Internal principle, as a collateral aid to the check of Law; and the authority of all Christendom, since the days of Constantine*.——Some of the new American States seem indeed inclined to hazard an experiment, (the first perhaps on record) of separating Civil policy from Religion. But what sober man would think of balancing the novel hasty speculations, of a people little trained in Learning, totally unpractised in the arts of Government, under the dominion of that spirit of Enterprize and Innovation, which raised them to the rank of Legislators, and in an agitation of mind, sufficient to

B 2

distract

* A. D. 324.

distract the wisest heads; against the cool concurrent decision of the most Improved States in the world, confirmed by the experience of ages?

Further; it is not the object of the Author, to vindicate the Reformation, or the establishment of Episcopacy. These points of Religious Controversy with the Churches of Rome and Geneva, have been frequently discussed by men of far greater ability. and in a manner much more diffuse, than would be proper for his present plan.

The business of this little Tract is, to place the Church in a point of view merely *Political*; to prove to the Gentleman of Landed property in this Kingdom, that it is so essentially incorporated with the State, that the Subversion of one must necessarily overthrow the other; and that the *Church of Ireland is, at the present moment, in imminent danger of Subversion*. In the course of illustrating these grand points, such Evidences will appear, not only of the unprovoked Injuries, which the Clergy have lately sustained, and are still daily suffering, in their Persons and Property; but likewise of the Difficulties, under which they at all times laboured in the discharge of their Duty; as may, if they do not incline the Publick to their Relief, at least protect them from illiberal and unmerited Abuse.

On the whole, the perusal of these few pages may possibly place in a light, new to many, matters of very high import; may induce some, whose thoughts have been hitherto intent only on present and partial inconveniencies, to consider all the consequences maturely, before they risk an Alteration;—may caution the friends of the Constitution against State-Empiricks;—may lead them to weigh,
in

in a fair balance, the wisdom and experience of the few patrons of any sudden project for a Change in the mode of supporting the National Clergy, against the joint opinion of the multitude of Sage Legislators, (names which adorn the history of the most enlightened nations upon earth!) who have for so many ages given their deliberate sanction to the antient system of *Tithes*;—may tempt them to suspect the Prudence of men, who pay no deference to such Authority; and to impute their boldness in enterprize, not to a more enlarged view of the subject; but to a want of that degree of Knowledge in Ecclesiastical affairs, and their Civil consequences, possessed by those other Statesmen; which *must* have discovered the difficulties and bad effects of Innovation.

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THE
PRESENT STATE
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SECTION I.

*Of the importance of the Ecclesiastical to the Civil
Constitution of this Kingdom.*

ON a general review of the several Countries in Europe, one cannot fail to observe, that almost every legislature has adopted an Ecclesiastical polity, conformable to the genius of the Civil constitution. It was naturally to be expected, that the general principles of Government, adopted, as the best, by the ruling powers, should pervade (as far as they could be applied to) all departments; and this expectation is answered by the Facts. Despotick States, whether the Supreme power were lodged in One or a Few, have found in the Papal authority, a congenial system of arbitrary dominion; and of course have regarded Popery as a powerful ally, or at least an useful engine

engine of State.* Republicks, proceeding with a like consistency, have adopted the levelling principle of the Presbyterian Church; while the several Monarchies of the North, and all the Principalities of Germany, which embraced the reformation of Luther†, still retained Episcopacy, as congruous to their form of Civil government. It may be observed too, that all these Sovereigns, at the time that they emancipated themselves from Papal oppression, were limited in the exercise of their own power, by Privileges of the States, or different Orders of their Subjects; and thus Religious and Civil Liberty, seldom to be found apart, went hand in hand. In the vicissitudes of human affairs, as it is natural to expect, extraneous circumstances have occasionally interrupted the operation of these General principles. Feuds between the states in Denmark, and foreign intrigues in Sweden, have caused changes in the constitution of those countries; but it is worth remarking, that in the year 1660, when the Danes made a voluntary surrender of their liberties, and declared the Crown of Denmark (and that of Norway of course) absolute in all civil matters, they secured the Lutheran religion, by a special reserve. § Despotism was controlled in that

* The Author is so far from justifying this alliance, that he thinks it a Combination against the Natural Rights of mankind. He is merely stating, that such a combination has taken place.

† The Northern Monarchs, who had lost Revenues, adequate to the support of that rank, retained the old title of Bishop; the German Princes, whose rapaciousness had embezzled the Clerical estates, invented the new name of Superintendent, a word of precisely the same import. There are Superintendants in all the Lutheran States, where there are no Bishops: and even in the Bishopricks of Lubeck and Osnabrugh; though there are still Lay-Bishops, who have seats in the Diet of the Empire, yet there are likewise Superintendants for the purpose of Ecclesiastical Government.

§ The King bound himself to observe the Word of GOD and the Confession of Augsburg. Danish Code B. I. Ch. 1. A. 1.

that sole instance, lest it's bias should bring back Papal tyranny.

In England, from whence our establishments were copied, the system of conformity between the Ecclesiastical and Civil constitution, seems to have been studied with a peculiar degree of exactness: They were formed so precisely on the same model, that the whole was likened to a Double Cone, united by the authority of the Crown. And so essential was the preservation of the Church esteemed to the welfare of the State, that the Barons, when they were laying the foundation of English liberty, made it the first Article in Magna Charta, that "the Church of England shall be free, and enjoy her whole rights and liberties, inviolable." On the same principle, at the Revolution, when the boundaries of those liberties were fixed with greater precision, and our present unrivalled Constitution finally settled, it was made part of the Coronation Oath, That "the King should, to the utmost of his power, maintain the Protestant Religion, as by Law established; and preserve to the Bishops and Clergy, and to the churches committed to their care, all such rights and privileges, as by Law do, or shall, appertain to them or any of them."—In the Act of Union between England and Scotland, it is enacted, that "all the Acts then in force for the *establishment* and *preservation* of the Church of England, and the Doctrine, Worship, Discipline and Government thereof, shall be in force for ever. That every King or Queen, at his or her Coronation, shall take and subscribe an Oath to maintain and preserve inviolably the said *settlement* of the Church of England, and the Doctrine, Discipline and Government thereof, as by Law established,

" within

“ within the kingdoms of England and *Ireland*, the
 “ dominion of Wales, and the town of Berwick,
 “ and the territories thereunto belonging. That
 “ this Act shall *for ever be a fundamental and essen-*
 “ *tial part of the treaty of Union between England*
 “ *and Scotland.*”—Need I produce any further evi-
 dence, that the Ecclesiastical constitution is inter-
 woven with the Civil? I shall not insult the
 understanding of my reader, by entering into a
 formal Defence of a Constitution, confessedly the
 best that ever existed: My business is only to
 state *a fact*; that the Ecclesiastical establishment
 is an essential part of it.—The Revolutions of the
 last century evinced the natural union of the Civil
 with the Ecclesiastical branch of the Constitution;
 They fell, and rose again, together. It is much to
 be feared, that the Republican system in America
 will subvert the Episcopal church there; notwith-
 standing a faint effort in some of the States to
 preserve it.

The Kingdom of Scotland may perhaps be held
 forward, in opposition to these principles: but
 besides that a single exception is never a fair ob-
 jection to a general rule, as probably owing to
 some particular collateral circumstance; in this
 case, that circumstance is apparent. When the
 suppression of Episcopacy took place in Scotland
 at the Revolution, it could not be supposed, that
 the ascendancy of the Presbyterian Church in the
 smaller country, could affect Monarchy in the two
 Kingdoms, whose Crowns were united. But
 William, biassed, as he must naturally have been,
 in favour of the Presbyterian Church, did not wish
 the establishment of it, even in Scotland. He was
 induced to yield to the suppression of Prelacy
 there, only by the Opposition, which the Bishops,
 attached to the House of Stuart, unanimously gave

to the proceedings in his favour. He publicly declared his wishes to preserve them, notwithstanding the Article against Prelacy in the Claim of Rights: but added,* that “if they continued to oppose the new settlement of the kingdom, and by a great majority in Parliament, resolutions should be made in their disfavour, the King could not make a War for them.†”—In an earlier period, the apprehensions of James the First were much alive, on that head. They are manifested by his aversion to the Puritans in England, and his favourite maxim; *No Bishop, no King*. It should seem, that he had a foreboding of the events, which happened in the Reign of his Successor.

This sketch will suffice to shew the close connexion between the Civil and Ecclesiastical constitution, in every country; but in this kingdom, many peculiar circumstances render the support of the Established Church more essentially interesting to the Landed Gentleman, the Protestant Government, and the British Empire. The Subject is extremely delicate; but the Moment is critical; *it is decisive of the Protestant interest*—Truths, which in happier seasons should rest in oblivion for the preservation of general harmony, must

* See Burnet's History of his own Times.

† That this great Prince was sensible of the congruity of the Ecclesiastical to the Civil constitution of England, is evident from the beginning of his message to the Convocation assembled in 1689.

“His Majesty has summoned this Convocation, not only because it is usual upon holding a Parliament, but out of a pious zeal to do every thing that may tend to the best establishment of the Church of England, which is so eminent a part of the Reformation and is certainly best suited to the constitution of this Government.”

Tindal's Continuation of Rapin,

must now be brought forward to publick notice, and impressed, as forcibly as possible, on the minds of Irish and British Protestants of every denomination. The delicacy which stifles them must be false; because it would be fatal.

The outrages of the Whiteboys in the South, supposed to be confined to Tithes, (which alone would be a matter of no little moment to the Protestant Religion, as shall hereafter be proved) do by no means stop there. They extend to the Persons of the established Clergy; who are hunted from their Parishes*. They control the proceedings of Vestries, in granting money for the repair of Churches, and other things essential to the decency of Divine Worship, though the Roman Catholicks are very reasonably precluded by law from voting on such occasions: They intimidate the Parish Officers by the most savage threats from collecting the Rates, and even oppose them by force: In one instance, they have proceeded to such extravagance, as to nail up a † Church, to forbid the Curate at his peril to officiate, though the Rector was disabled by age and infirmities; and to force the Clerk to swear not to attend him: In another, to threaten publickly, and to bind themselves by Oath (in presence of one of the Church-Wardens)

* In the Diocess of Cloyne, seven Rectors of Parishes, hitherto constantly resident, have applied to the Ordinary, for leave to absent themselves, from well-grounded apprehensions of personal danger; three of whom are so reduced in their incomes, from a competency of two or three hundred pounds a year, that they do not receive a Curate's salary; and of course Divine service is discontinued. It is obvious, that by a similar proceeding, the Whiteboys have it in their power to suppress entirely the Protestant Religion in Munster, Connaught, and even Leinster, Dublin excepted.

† The Church of Donoghmore, in the Diocess of Cloyne,

Wardens) to burn a § new Church, unless the old one were reserved for a Ma's-house. Now if to such violence of a Popish mob, assembled in various and numerous bodies, through the entire Province of Munster, and part of Leinster and Connaught, provided with arms forced out of the hands of Protestants, and extorting money to purchase ammunition, and defray the expence of their nightly excursions, as well as the support of their Confederates under confinement, be added, The connivance of some members of the Established Church, the supineness of more, the timidity of the generality of Magistrates, a corrupt Encouragement of these lawless acts in not a few, the difficulty of prevailing on Witnesses to appear (not only from the danger of appearing, but from the Oaths extorted from them, not to appear) against criminals the most notorious*, the natural effect of the impunity of such criminals, the consequent temporary subversion of the Provision for the established Clergy, which, if continued, must terminate

§ In the parish of Glanmire, in the Diocese of Cork.

* The effect of this is proved by the proceedings at the last Assizes in Munster; where after the multitudes of instances, of breaking-open houses, robbing the inhabitants of fire-arms, ammunition, and money; of incendiary letters; of maiming inoffensive and helpless persons; and other capital crimes, notoriously committed, in every quarter of the Province, by many different parties of men, each amounting to several hundreds; so that the number of persons guilty of capital felonies must have amounted to thousands; only *two* persons were Capitally convicted; and *not one*, in the extensive County of Cork, where the outrages were at least as flagrant and general, as in any other. The cause is obvious; Witnesses did not *dare* to appear. And the repetition of like offences, since the Assizes, when all disputes about Tithes were at an end for the current year; the continuance of assembling in numerous well-armed bodies, and passing *winter-nights* in levying money, and taking fire-arms forcibly and feloniously from the Protestants, (a proceeding which now extends to the province of Leinster, within less than 50 miles of the capital;) are proofs too pregnant, of the effect of the impunity of their associates, and of their future intentions.

minate in the extinction of the Order*; and what is still more to be feared, because it creates less publick alarm, a rash spirit of innovation in ecclesiastical matters, too general an indifference to all religion, and the influence of the two great bodies of Dissenters on future arrangements; No man of reflection can doubt, but that the situation of the established church is *dangerous in the extreme*.† But as the danger, though by no means remote, may be too distant for the short sight of the bulk of the people and much industry is employed to blind them, by treating this Insurrection as a matter of little moment; it becomes the indispensable duty of such, as by situation were enabled, and by duty are called on to watch it's progress, to *speak out*; not fearing, though not wishing to give

* The sentiments of Lord Coke on the expediency of Ecclesiastical Courts for the purpose of preserving the Revenues of the Clergy, are worth attending to. "For this reason, in favour of Holy Church, although it might have a lawful beginning, the Law will not suffer such Prescription in this case to put it to the trial of Laymen, who will rather strain their consciences for their private Benefit, than yield to the Church the Duties which belong to it. And the Law hath great Policy therein; for the decay of Revenues of men of Holy Church, in the end, will be the overthrow of the Service of GOD and his Religion. And therefore it is recorded in History, that there were, among others, two grievous Persecutions, one under Dioclesian, the other under Julian, surnamed Apostata; for it is recorded, that one of them, intending to have rooted out all the Professors and Preachers of the word of GOD, *occidit omnes Presbyteros*; but notwithstanding that, Religion flourished, for *Sanguis Martyrum est Semen Ecclesie*; and yet the same was a fearful and grievous Persecution. But the persecution under the other was more grievous and dangerous, because (as the History saith) *ipse occidit Presbyteriam*, for he robbed the Church, and spoiled spiritual Persons of their Revenues, and took all from them, whereon they might live; and thereupon in short time did follow great Ignorance of the true Religion, and Service of GOD, and thereby great decay of the Christian Profession; for none will apply themselves, or their sons, or any other whom they have in charge, to the study of Divinity, when they shall have, after long and painful study, nothing to live upon."

Coke's Reports part 2. Bishop of Winchester's Case p. 45. a.

† See the Preface to the ninth Edition.

give offence; and to sound the alarm, whilst it is *yet time*. For though a perfect reliance may be had on the good intentions of Government; yet in a constitution like ours, and in a case which comes home to the breast of every Protestant, it is expedient, in order to facilitate the execution of those good intentions, that the people at large should be informed of their true interest, and their real situation: Nay, it is absolutely necessary; as it is scarce possible for a Chief Governor to stem the violence of the populace, when it is abetted by such, as ought to be better informed.

I need not tell the Protestant proprietor of land, that the security of his title depends very much (if not entirely) on the Protestant ascendancy; or that the preservation of that ascendancy depends entirely on an indissoluble connexion between the Sister-Kingdoms. But let him consult his own reason, (and the times render it necessary, that he should consider *without delay*) how these great points are to be secured.—Is it by increasing the influence of Popery? The idea is revolting to common sense. For, not to take into consideration the singular system of education of the Roman Catholics of this country, (which calls aloud for some prudent regulation!) as well as other *peculiar* circumstances in their situation; every sincere member of their Church cannot but wish the Establishment of it. He cannot but think it his Duty, not only to GOD, but his Neighbour, to bring him within (what he conceives to be) the pale of Salvation. It is a well-known fact, that they are all zealous in making Profelytes. The inference is obvious: It is the business of the Protestant Government, while it allows (for it's own credit, as well as from motives of humanity)

to

to the Roman Catholick, freedom of Religion, which is his Natural indefeisible right, and every comfort as a Citizen, which is an equitable Political right, [and this is the utmost extent of rational Toleration, the very term implying superiority and a *right* of control] to preclude him as much as possible from influence, for fear of losing the *power* of control.—Is it by further strengthening the hands of the Protestant Dissenters, that the constitution is to be preserved? This is a favourite doctrine with some: because the levelling principle of Presbyterians renders them tenacious of the privileges of the Subject; and their apprehension for the freedom of their own consciences has made them, (as I trust, it will always make them) zealous opposers of the establishment of Popery. But important as their support is to a general system of Liberty, and the Protestant religion; the notion, that the whole of our constitution should be trusted to them, will not bear examination. Before however my readers decide upon that question, it may be necessary to inform some of them, that most of the leading Presbyterians in this Kingdom (indeed all, whose Opinions the Author has been able to collect) differ essentially from their brethren of Geneva, Switzerland, Holland, Germany and Scotland, as they reject the idea of any National Church. If the church of Scotland, to which they have an hereditary attachment, and to the forms of which they adhere, were established in this kingdom, they would *still* dissent. They are Independents, in a Civil view; though they are Presbyterians, as to Ecclesiastical discipline. Their principles do not, like those of the Roman Catholics, tend to set up, but merely to pull down, an Ecclesiastical establishment. From these Premises the Conclusion is manifest;
and

and in such times, the plain truth must be spoken, *and it is for the essential interest of the Protestant Dissenter that the truth should be proclaimed,** That of the three persuasions, the members of the *established* church alone can be cordial friends to the *entire* constitution of this realm, *with perfect consistency of principle.* And without such consistency, no Body of men (for we speak not of the particular characters of Individuals) can be entitled to national confidence.

The Members of the two Dissenting Communications will in candour impute such of the Author's reflections as seem to bear hard on the Political operation of their respective tenets, to the unhappy circumstances of the times, and the duty of his station; and not to a want of that liberal and Christian spirit of Toleration, which he feels in his own breast, and has uniformly endeavoured to exhibit in his private and publick conduct. They will likewise observe, that the present argument does not apply to the Abstract Truth of their principles, much less to an impeachment of their conduct; but merely to the effects which those principles whether true or false, must naturally produce on their respective dispositions (and most strongly, in minds of the greatest integrity) towards the present Constitution of this kingdom. A just care of that constitution requires the Author to point out the danger to the publick from the tenets of the Sect, for a virtuous adherence to which, he should esteem the Individual.—The principles contained in a Letter to a Noble Lord in this kingdom, from a Right Honourable Commoner in England, circulated at first in Manuscript, (at a very critical period, when a Bill in favour of

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* See Section 6.

the Roman Catholicks was depending) and afterwards printed, which express the wishes of some of the friends of the Roman Catholick interest, and are evidently subversive of the Protestant Ascendency, will justify what has been said, with respect to the necessity of excluding Papists, as much as possible, from Political influence. The security which an Oath of Allegiance could give, does not apply to the danger of *undermining* the Ecclesiastical Establishment in a *peaceable* manner, within the forms of the constitution.—Were the Roman Catholick Freeholder allowed to vote for a Member of Parliament, (for instance) would he not have Influence over his Representative, even if he did not claim *a right to instruct him*? Must he not as a conscientious Christian, with the (quiet) establishment of what he thinks the true Church; and contribute every thing, consistent with the Laws of his country, to suppress Heresy? How would such a proceeding clash with his Oath of Allegiance to the King, or his disavowal of the Pope's Authority in the temporal affairs of the Kingdom?

But it may be suggested, that the terms of the Oath might *in future* be extended to comprehend the entire constitution; and then the Protestant Ascendency would be secure. I am ready to believe, that many individual Roman Catholicks are men of such integrity, that they would adhere to such an Oath if they thought proper to take it; for Men are often better than their Tenets. But what would their church say? I need not conjecture. The reader will see a direct decision of this point by the Legate at Brussels, who had the superintendence of the Romish church in Ireland, in his letter to the (titular) Arch-Bishop of Dublin,
in

in the year 1768; when an Oath of Allegiance for the Roman Catholicks of this country was in contemplation. This letter was published by Thomas de Burgo, (Burke) titular Bishop of Ossory, and † publick Historiographer to the Dominican Order in Ireland, in his appendix to his *Hibernia Dominicana*, printed in 1772; and together with three similar ones to the other three [titular] Metropolitans, stiled by the Bishop *Literæ verè auræ, cedroque dignæ*.—* The Legate treats the clauses in the proposed Oath, containing a declaration of abhorrence and detestation of the doctrines, “that faith is not to be kept with Hereticks; and “that Princes deprived by the Pope may be deposed or murdered by their Subjects” as absolutely *intolérable*; because, says he, those doctrines are defended, and contended for, by most Catholick nations, and the Holy See has frequently followed them in practice. On the whole he decides, that “as the Oath is in it’s whole extent unlawful; so “in it’s nature it is invalid, null, and of no effect, “inasmuch that it can by no means bind, or oblige “consciences.” That similar decisions on the validity of Oaths, detrimental to the interests of the Holy See, were uniformly made, whenever such occasions offered, by successive Popes, is well known. § The prudent Protestant will therefore judge, what effect such a decision on any *future* Oath might have with the Roman Catholick *populace* of Ireland, from the little degree of Respect

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paid

† The Reader will therefore consider this writer, not as a mere unauthorized individual, but as a person in a publick character.

* It is inserted at length in the end of this pamphlet. Appendix II.

§ *Note to the ninth Edition.* If the Legate (Thomas-Maria Ghilini, then Archbishop of Rhodes) was afterwards promoted to be a Cardinal, as I believe he was, it would be a fair presumption that his conduct as Legate was at least not disapproved by the Court of Rome.

paid by them to Oaths in general (which is not increased by the late proceedings in Munster!) and the degree of their Bigotry; *even if they had no other motives to infringe such Oaths, from dislike to the Protestant Government.* I am aware, that a distinction is held forward between Papists and Roman Catholicks of the Gallican Church, and that the latter are less submissive to the dictates of a Pope. I allow too, that the distinction is real in some points, though the liberties of the latter did not gain ground by the proceedings in 1765, on the Bull *Unigenitus*.—But what proportion of the Popish inhabitants of this kingdom would know, what is meant by the *Gallican Church*? Who is the *authorized voucher* of it's doctrines, to be set in opposition to the *Legate of the Pope*?

If a new Oath were required, which comprehended the perpetual establishment of the Protestant Religion, we may judge what would be the Doctrine of the (titular) *Bishops* on such an engagement, from the clauses in their Oath at Consecration, which follow:*

“ The Roman Papacy, and the royalties of St.
 “ Peter, I will, saving my own Order, assist them
 “ [*the Pope and his successors*] to retain, and
 “ defend against every man.—The rights, honours,
 “ privileges, and authority of the holy Roman
 “ church, and of our Lord the Pope, and his
 “ Successors aforesaid, I will be careful to preserve,
 “ defend, *enlarge* and promote.—All Hereticks,
 “ Schismatics, and Rebels against our said Lord
 “ and his Successors aforesaid, I will, to the utmost
 “ of my power, prosecute [*the term persequar is*
 “ ambiguous] and oppose.” Will he then be
 likely

* See the whole Oath in Appendix IV.

likely to use his influence over his flock, to *enforce* the obligation of an Oath, derogatory from the *Royalties* of St. Peter, and the authority of the Holy Roman church, and of his Lord the Pope; and calculated to give stability to Heresy? Will he not think that Oath, *malum in se*; and rather to be repented of, than kept? He would not (I allow) absolve the man of the Guilt of having taken it, without his repentance; but he would probably say (as the Roman Catholick Prelates of Munster very properly declared with regard to the Oaths extorted by the Whiteboys) that the Observation of it would aggravate the guilt. What were the sentiments of the Author of the *Hibernia Dominicana* on a proposed Oath to secure the Protestant Succession, will appear from an Extract from that work, p. 721, contained in Appendix III.

From this view of the general principles of the two great bodies of Dissenters, it is evident, that tho' they may acquiesce for a time, in establishments which they dislike, from love of quiet; yet whenever a safe opportunity shall offer, to give free scope, those principles will operate. The weight of the National Church ought therefore to be preserved, in the balance of the State; which balance must be as effectually destroyed, by whatever weakens the Ecclesiastical Establishment, as by a positive addition of strength to either of the Dissenting Communions. That this is the immediate tendency, if not the premeditated design, not only of the riotous proceedings in Munster, but of the principles disseminated by some of the publick prints, shall be clearly proved in the following pages.

The friends to Innovation may be divided into two classes: Those who complain of the Extortion
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of the Clergy, and aim at a reduction of their incomes by a lower composition for Tithes; and Those who profess a Regard and Esteem for them, but propose a Commutation of their present provision, for some other, at once more convenient to them and the Laity. Each of these Innovations shall be considered in it's order.

SECTION II.

On the Charge of Extortion in the Composition for Tithes.

IF this Charge be examined by principles of Law, (and in what other manner, can a question of Property be determined?) the supposition is, on the face of it, absurd.—The matter lies within a very narrow compass. The State has allotted Tithes for the maintenance of the Clergy. It is the most ancient establishment in the realm,* prior to the date of the titles of almost every estate, supported by Common, and sanctioned by Statute Law. No man can plead a stronger title to any species of property, than the incumbent of a parish to his Tithe: No private man, so strong a one; for it requires no proof; it is due of common right, and not liable to be injured by Prescription; except

* How early Tithes were established in Ireland, even the diligence of Selden could not ascertain; but he quotes "an ancient Law ordained by Henry III. within the Arch-Bishoprick of Dublin, whereby it was commanded, that every Man, non expectato mandato Regis vel assensu de gurgitibus & piscariis, Ecclesiis in quarum parochiis sunt prædicti gurgites vel piscariæ, Decimas solvant, quia Rex non vult, in periculum animæ suæ, hujusmodi Decimas detineant." Selden on Tithes, Chap. 7.

except where a *modus decimandi** (which supposes an Equivalent) can be established. No other person has the shadow of a claim to it; nor has either Landlord or Tenant the shadow of a right to complain, that his land is subject to that burden: for on that account the former purchased the fee the cheaper; and the latter pays less rent; each has received a valuable consideration for submitting to it. Neither of them has, in law or justice, a better right to the Tithe of his land, than he has to any other property of any other man†. If then the Farmer desire to purchase it, he (like other purchasers) must offer what the seller thinks the value; but as he is under no Obligation to purchase,

* The *modus de non decimando* is merely personal to the King or Clergy, and does not extend even to their tenants. The proprietors of Abbey-Lands represent the Clergy, in virtue of the Statute of Hen. 8.

† It has been occasionally suggested in conversation, and even in print, that Tithes were merely *wages* paid by the State, and not, properly speaking, a *property*. I agree in the first idea; but do not discern, why the two ideas are incompatible. Many ancient offices, as that of Constable of the Tower, &c. have Freeholds annexed to them. Such are the possession of the Clergy; and in one respect, the Official tenure of Clerical property is more secure, than that of Lay property. Land may be forfeited for crimes, and on that forfeiture reverts to the Crown: whereas even treason in a Clergyman can only deprive the individual Traitor of his Glebe or Tithe; which descends to his Successor unimpaired.—If it be said, that the property of the Clergy has been retained by the State, for publick convenience, in the suppression of religious houses; I answer, so are small portions of land likewise, for the publick service, in making roads, canals, &c. In all these cases, the rule is, *Salus populi suprema lex*.—Perhaps Lawyers may doubt, how far the Legislature can take away a man's property without his consent; and contend, that the religious Orders made an apparently voluntary surrender of their rights, but I am not competent to give an opinion on that question; neither do I question the right of the whole legislature to make alteration; but contend, that till an alteration shall have been made by *that supreme* authority, neither the Crown, nor one House of Parliament, much less any fellow-subject, can deprive the Clergyman of his right, which is a Freehold; and at the same time submit to the members of the Legislature the impolicy of changing the ancient system.

chafe, it is absolutely impossible for the Clergyman, the Impropiator, or any person deriving under either of them, to *extort*. He is entitled by law to take his own tenth, after it is separated from the other nine parts, and set out by the owner; and no more. And in so doing, he proceeds no otherwise than the Proprietor of an estate, who not approving the rent proposed by a tenant, takes the land into his own hand. So stands this matter, as a question of Property. § The terms therefore of *extortion*, *exaction*, *oppression*, and the like, lavished with such profusion on the Clergy, are clearly as inapplicable in Law, as they are undeserved in Fact. They come naturally enough indeed, from the mouth of a Peasant, vexed at his disappointment of a good bargain; but they fall with an ill grace, from men of a Liberal, and with great inaccuracy, from men of Legal education. The bad effects of such unguarded expressions, though doubtless not foreseen, have been severely felt by individuals, and the publick.

It

§ From this state of the case it is evident, that the National Clergy are not paid by their Parishioners, but by the Publick; and consequently that the complaint made by some of the Dissenters of the two Communions, or rather by others for them, That they pay two Clergymen, is ill-founded. The Tithe of the land is not in any sort their Property; nor are they either necessitated, or entitled, to consider it as such. It is merely a Burden, to which their property is liable, like the Crown, or Quit-rent, or Hearth-money. The stipend or fee to his own Clergyman is the whole, which the Protestant Dissenter, or Roman Catholick, pays out of his own pocket. And that He should bear that expence, is highly reasonable: nay, it is unavoidable, from the nature of Toleration: If the State were to pay it, the sect would be Established. The present Emperor (held forth with great justice, as an illustrious example of Toleration) qualifies his indulgences to his Protestant Subjects with this necessary condition, "*pourvu qu'ils en fournissent les Frais necessaires.*" Such and no other is the hardship, so much dwelt upon by the ignorant, in the news-papers, as well as in common conversation.

It is represented with a great parade of Charity, that the Clergyman's Tithe bears hard upon the Poor. This can *never* be true; though repeated with such confidence, that without a knowledge of the subject, one should be tempted to think, that it admitted no doubt. But let us fairly state the case. The Cottager, when he took the land at a certain rent, was perfectly aware, that the tenth part of the produce, though raised by his labour, was not to be his, but was to be the undisputed property of his Parish-minister. If therefore the burden of both Rent and Tithe be too heavy, it cannot with any shew of reason be set down to the account of Tithe, which is an original definite charge on the land, of which all parties were fully apprized: but must be imputed to the tenant's having afterwards engaged inconsiderately (or more often, from dread of being outbid) for more rent than the nine parts could bear. If there be any extortion, the Landlord, not the Clergyman, must be the extortioner.

The idea, that a covenant between landlord and tenant should deprive a third person of his prior claim on the land, is too ridiculous to deserve a serious discussion. A similar plea in bar to the demand of the Crown, or Quit-rent, or Hearth-money, would, I believe, not be treated with much respect by the Commissioners of the Revenue. Does the Head landlord (as he is called in this Kingdom) admit it as a reason, for not distraining the goods of the Occupier of the ground, that the occupier had already paid a severe rent to the Lessee, from whom he holds? However, where the joint burden of Tithe and Rent is too heavy for the poorer tenantry, I dare engage, that the Clergyman will always be content to wave his priority of claim,

claim, and cheerfully meet the benevolence of the Landlord for their relief, in a full proportion to his comparative demand. Let the experience of every parish decide this matter. If a fair inquiry were made, who of the two remits the greater proportion of the sums, which the Cottager has engaged to pay, it will then appear, to whose severity his distress is to be attributed; and that the Clergy are as much superior in the tenderness of demanding, as in the moderation of their demand.

But is there not a kind of equity, in favour of the Tiller of the ground, whose industry produced the Tithes? Here the inquiry begins to wear the aspect of common sense. The Clergy will readily join issue on this footing; and I venture to answer in their name, *Undoubtedly*. I am *forward* to declare, that a Clergyman would do little credit to his profession, who is not strongly impressed with this liberal sentiment; and, further, that I am confident very few, if any, can be found, of our Order, who do not give up, knowingly and willingly, a considerable proportion of their legal right. But in addition to that Good-will, the nature of the transaction renders it of necessity advantageous to the *Farmer*. The Clergyman, a man of scholastick education, untrained in country business, often unprovided with land, or the means of carrying away his portion even from a single farm, is obliged to treat at the same time with perhaps several hundreds of parishioners, for the price of his scattered property; consisting of the tenth part of the various produce of their respective lands. Can it be supposed; that in such a situation, he can expect the value? He must, and it is well known, does constantly allow a very considerable profit; frequently,

quently, I might say, generally, exceeding his own income. The violent outcry against Tithe-farmers is conclusive, that a *great* profit is expected from the *Clergyman*; as it is manifestly impossible for even the keenest *Tithe-farmer* to get the full value. Nay, the very burden complained of by the Cottager, too often not without reason, is a strong presumption, that when he proposed for his holding, he had reckoned too much on his future bargain with the *Clergyman*, for a resource to pay his Landlord's rent. That the *Clergy* do not think of getting their full tenth, is a point, which will not be contested by any man, who has made inquiries on the subject. The Author is happy to have it in his power to declare, from the highest authority, that the report of a Noble Lord (lately sent into Munster with the Civil and Military powers united, in order to suppress the Insurrections in that Province) to Government, bore a just testimony to the Moderation of the *Clergy*.

But it is frequently alledged, by such as give credit to the *Clergyman* himself for a liberal intention, that this intention is defeated by proctors, or *Tithe-farmers*, employed under him; and likewise by a set of persons called *Canterers*, who bid for tithes, and of course raise their price. As I have already proved, that from the nature of the transaction, injustice and extortion are impracticable; the sole complaint against those different persons must be, that they prevent a proper Liberality on the part of the *clergyman*, and curtail the farmer's Profit too much. Let us therefore fairly inquire, how far a *clergyman* is to blame, for employing or dealing with them; which will appear by a plain account of their respective relations to him.

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The *proctor* is a Servant employed to do that kind of business, which the clergyman could not undertake in his own person, either with advantage, or with credit to himself; namely, to view and value the crop of the parishioner, and afterwards to chaffer with him about the price of the tithe. The office of Proctor answers to that of Steward or Agent to the landed Gentleman: and if either be corrupt in the discharge of his trust, by exacting any thing beyond his acknowledged fees, it must be by collusion with the Farmer; and such collusion must constantly operate in disfavour of the Employer. But that such Servant should be retained, is clearly as much a matter of necessity in one case, as the other, or rather more; for surely if the Clergyman were to consume his time in such a low invidious employment, as prying into every field of his several parishioners, and afterwards wrangling about the value of his tenth, such an intercourse would little tend to diminish the ill-will alledged to be created by tithes, to conciliate the Love of the people to the person of their pastor, or to raise their Respect for the clerical character. But there is a further *indispensable* reason for employing Proctors to view; as the Oaths of two persons are required in the ecclesiastical Courts, to prove the value of tithe subtracted, and the Oath of the Clergyman himself is inadmissible.

The *Tithe-farmer's* office is described by his name. He rents of the incumbent his tithes for a certain sum, and sets them probably at a higher rate, than the occupier of the land would otherwise pay. In any case therefore, where the parishioners are disposed to treat reasonably for their tithes, the clergyman would act unkindly, and improperly, though not unjustly, by letting them
to

to farm. But this can seldom, if ever, be supposed to happen; because exclusive of the natural wish in the breast of every man, to conciliate the love of his neighbours, the Minister is a certain loser of at least 15 ~~per~~ cent. by this mode of managing his business; that being the difference between the wages of a Proctor, and the *avowed* profit of a Tithe-farmer. The unreasonableness of the country people is the sole cause of such Agents being employed; and in this, as in most other cases, unfair dealing deservedly recoils on those, who are guilty of it.

The third class of persons complained of are *Canterers*, or men who bid for the tithes of their neighbour's land. This complaint is an additional proof of the high profit expected by the Farmer; but the absurdity of it is too glaring. It amounts to this; a man wants to buy the property of another, and represents it to the publick, as an oppression not to be borne, that any one should offer for it but himself. Can such *Nonsense* be answered? The prejudices of the people, and the popular cry echoed, tho' not believed, by the enemies of the National Church, must apologize to the reader for the bare mention of it. For (strange to think!) even this nonsense, gross as it is, has it's advocates. It is however obvious, without the fear of such Bidders for tithes, they must always be sold to the Farmer at his own price; from the impossibility of drawing the tenth part of the crops of a whole parish. It ought likewise to be remarked, that these *Canterers* are seldom resorted to; and never, except in cases, where the Farmer's offer is more than commonly unreasonable. *His Tithes are never advertized, to invite the highest bidder without any preference; as his*
Farm

Farm will probably be at the expiration of his lease. Nor would any man think of proposing for the tithes of another, as such proceeding incurs universal Odium, without an expectation of immoderate Profit; which is a *sure* check on the abuse of the practice.—This practice of buying tithes is advantageous to the *Poor*; it is a resource for the Labouring class of people in small towns, and for Cottagers, who have not tillage of their own, or whose little crop has failed; as they procure necessary food for themselves, and fodder for their cattle, at a rate far below the common price even for ready money, with the advantage of long credit without interest, in place of the oppressive Usury exacted by the Farmer. The suppression of this practice by the Whiteboys has reduced numbers of poor families in Munster to the utmost misery.

Now when these different persons, held forward to the publick as engines of Oppression, are thus fairly described, and the relations they bear to the Clergy explained, they will be found perfectly inoffensive; and precisely the same characters (under other names) as the Steward of the landed gentleman; the Farmer, who rents his land; and the Proposer for it, when untenanted. To preclude the clergy of *this Kingdom* from resorting to such aid, would be to give them a nominal property; and at the same time to render it impossible for them to avail themselves of it.

But still it may be suggested, that the usual composition, tho' favourable to the Farmer, is yet higher than what is competent for the support of a Parish-minister; and that Mischief may arise from enriching the Clergy. This is an ordinary
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Cant of men, who use words without discriminating ideas; who apply general Maxims at random, without adverting to circumstances and manners; and at the same time is useful to cover, what is really lurking at the heart, a scheme of increasing Rents, at *least* in the *same* proportion, that Tithes should be diminished. I shall therefore enter into an investigation of the Fact; as well as a discussion of the Principle, which is of greater extent, and involves more publick danger, than some country Gentlemen may be fully aware of.

SECTION III.

Of the Revenues of the parochial Clergy.

THE competency of a Salary must be measured by the proportion, which it bears to the Importance of the service, together with the Rank and necessary qualifications of the person employed. Now the establishment of a Parochial Clergy, to instruct the people in the principles of religion and virtue (an institution unknown to Paganism, even in the most polished countries, and one of the numberless blessings to the world, introduced by Christianity) tends more than any other, to civilize mankind; and is a principal cause of that superiority of Morals, which distinguishes Christian countries. In this point of view, it becomes an object to a wise Statesman, even though he were so blinded, as to disbelieve the Speculative Doctrines of the Christian Religion,

to support an Order, instituted for the purpose of instilling into the minds of the people *it's moral rules*; of inculcating by example as well as precept, sobriety, justice, humanity, industry, and submission to Government, which are the basis of order and publick prosperity. But their duties are more or less extensive, according to the circumstances of the people, whom they are appointed to instruct. They are more arduous, in proportion to the opposition of Dissenting sects; they are more laborious, in proportion to the want of Civilization; they are more complicated in Free countries, where the People have a share in the Government; and in no country in Europe, do they require so general an information in religious Controversy, and at the same time so great a degree of civil Prudence, in the Parish-minister, as in this kingdom; distracted as it is, more than * any other country, by jarring Sects, and in a political situation delicate, beyond any other, from it's inferiority in power to the Sister-kingdom, and from the various objects of rivalry and jealousy between them. For what are the services, to be wished for from the national Instructors of a people in such circumstances? To form them to their Duty, not only as Men, but in many important

* Though some States of Germany are as much divided by religious Sects; yet those Sects cannot cause such *distraction*, as they would in a popular Government. They are all curbed by the power of the immediate Sovereign; and kept in their proper relative situation by the publick Law of the Empire, which restrains the Sovereign himself from attempting an Innovation. Any change of Religion in the Court cannot affect the Established Church.—The perversion of the late Landgrave of Hesse-Cassel to Popery, did not weaken the Reformed Establishment in that principality.—The adoption of Calvinism by the Royal family of Prussia, (absolute as those Princes were) did not lessen the right of the Lutheran Clergy to the Tithes of the Electorate of Brandenburg.—And the late King of Prussia, by profession a Calvinist, was the public Guarantee of the Lutheran Religion in Saxony, against their late Popish Elector, Augustus King of Poland.

tant points, as Citizens too; that is, to impress on their minds, a Christian spirit of Love to their fellow-citizens, who differ from them in religious opinions; together with respect to the Laws, loyalty to the King, and attachment to the Constitution; for this purpose to watch over and extend the Protestant interest; and for the support of that interest, and the protection of this country from foreign enemies, to warn and guard their people against all insidious attempts to weaken it's connexion with Great Britain.— It may strike the imagination of some readers, that such services are beyond the general Abilities of the Clergy. Perhaps some Individuals of that body, as of every other numerous one, may be insufficient to answer (as fully as could be wished) the duties of their station: but these *are the duties of their station*; and it is no small presumption of their general sufficiency, in comparison with other Orders, that they are the only sources of whatever Learning exists amongst us, having the province of Education left entirely in their hands. And the established Clergy of this Kingdom may with confidence appeal to Government, and to their Fellow-subjects, for their zeal for the Constitution, as well as for that example of a dutiful and orderly demeanour, which they uniformly have set to their Parishioners, in the most disorderly and factious times. Now if these principles be just, and this fact true, which I defy malice to contradict, Can it be for the advantage of Ireland, in it's present degree of Civilization, and distraction by powerful Sects, the *political* tendency of whose principles has been already stated, to reduce clerical incomes to so base a level, as will exclude from the Sacred function all men of ingenuous Birth, promising Abilities, and liberal Education; and leave a trust, so diffi-

cult as well as important, involving together with religious, every political and private interest, to the Lowest of the people; to persons, who can have no qualifications from education, to defend the established religion against it's opponents, or to protect themselves against that Contempt from their own flock, to which Poverty is usually, however unjustly, exposed? Can it tend to the advancement of the Protestant interest, that the bulk of the Protestant Gentry should mark such a Disrespect for their Clergy, as to adopt a measure, which must immediately reduce and vilify the Order? But I shall be told, that no such thing is intended: the only object in contemplation is, to prevent the Clergy from having too much; which is to be apprehended from the present amount of church Livings, and the probable increase of them by the rising Agriculture of this country.

Facts are the only sure ground-work for the decision of this point: That is, facts of so general a nature, as to support political conclusions. For the inquiry must be taken upon a large scale; not on the price of the tithe of a single Acre, not by the rates of a single Parish, nor by the amount of a few livings, which makes their incumbents conspicuous; but on the proportion, which the whole sum, raised for the parochial clergy shall be found to bear to the number, and station, of the persons employed. Such only are the proper researches of those, who are to make National regulations. Though were the inquiry made as to Particular instances complained of, perhaps local circumstances would fully explain and justify the supposed local grievance. The rate of tithe on an acre of Flax (for example) in some parts of Connaught, is much higher than elsewhere; yet without such

a rate

a rate on that useful culture, from want of other tillage, and the loss of tithes of Agistment, the Ministers of those parishes would not be able to subsist. But we do not deny that a single Clergyman may be of a narrow disposition, or which is more common, in narrow circumstances, and demand more than is consistent with such a liberality, as could be wished, to the farmer. So may a single Landlord. But would any man in his senses alledge such a fact, as a *National* evil; as a motive for the legislature to interfere, to diminish *all* the Rents in the Kingdom, and in addition, to violate the Constitution? It is beyond the reach of Law in most cases, to restrain Rapaciousness, much more the effect of Want, in Individuals.

But in order to investigate the truth, I shall proceed on a plan suitable to the greatness of the subject, by stating facts on a scale worthy of publick attention. If the publication could have been postponed, without defeating the purpose of it; (that of undeceiving the publick, with regard to the extent of the Revenues of the parochial clergy, before the meeting of Parliament) accounts might have been returned from every Diocese, similar to those which follow. But as the list subjoined comprehends a number of the best-endowed Diocesses, it will appear, I believe, to every candid inquirer, that the average income of the clergy throughout the kingdom cannot be greater, than that which is struck below.

An Average, formed by dividing the aggregate income of all the Parishes, including Deaneries and other Dignities, by the number of Clergymen,

would be, in the diocess of * Raphoe	—	£250
Clogher	— — —	187
Cloyne	— — —	180
Cork and Ross	— — —	150
Waterford and Lismore	— —	125
Killaloe and Killfenora	— —	120
Dublin	— — —	115
§ Clonfert and Kilmacduagh	—	116
Killala and Achonry	— —	90
		1333

Which Sum, divided by the number of Diocesses [reckoning united diocesses only as one] would give a general average of £148 : 2s. 2½d. $\frac{1}{4}$ head to the whole body of the Clergy in the parts of the Kingdom above mentioned, (Bishops excepted, whose Revenues are to be adjusted on a principle distinct from the measure of Parochial incomes) provided they received their incomes without Defalcation. But as they must employ persons to view and collect their Tithes, which incurs an expense of 5 per cent; and Insolvencies, on an income composed of so many small parcels, cannot be estimated at a loss of less than 5 per cent. more; The sum of £14 : 16s. 2½d. must be deducted, which will leave the net sum of £133 : 6s. for each clergyman, if the national allotment were distributed in equal portions.

In Scotland, the *lowest* of their parishes amounts to £50 *per annum*, English money, together with a house

* The average is raised so high in this Diocess, principally by six rich Benefices in the Patronage of the University. See end of Sect. 6.

§ The number of Clergy would have been returned much greater, and the average less by £25, if the Dignitaries in the Churches of Clonfert and Kilmacduagh had been reckoned, as the income of some of those Dignities is so exceedingly low, as not to be worth mentioning.

a house kept in repair, and a glebe sufficient to keep a horse and two cows; which accommodation may be esteemed, according to usual prices in *this Country*, (whatever may be the prices in Scotland) at £30 more. If then an † average were taken, from £80 up to £180, (a sum compounded of £150 in money, the *highest* income for *country* * ministers, and £30, the value of their glebe) the Medium sum would amount to £130 English money, or £140:16s. 8d. Irish; *though their ecclesiastical system admits no Dignities*.—The pay, thought by Government proper for the Chaplain of a Regiment (which was settled at a time when money was higher in value, than at present) amounts, after all stoppages, to upwards of £114 a year, though the Chaplains of Regiments not in Garrison, or on actual service, are at liberty to attend clerical duty elsewhere; and if with their Regiments, would be accommodated with Lodging. This appointment, (which admits a fair competition, is better than the average of the incomes of the Irish national Clergy abovementioned.

A comparison with the incomes of Foreign Clergy is not to be made with any degree of accuracy,
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† The Author is aware, that this mode of taking the average is far from exact. He suspects it to be too high, but not being informed of the aggregate income of the (944) Benefices in Scotland, he has no other. It is possible too, that a *very few* Livings may be somewhat under £50, but the number must be too small to be considered in calculating an average; because so long back as 1633, the King and Parliament "found it meet and expedient, that the "lowest proportion for maintenance of Ministers shall be eight "Chalders of Victual," the only reasonable ground of fixing a Salary "or £44:8s. 10½d. Sterling, if there be as much free "Tithes in the Parish." What would eight Chalders of Victual cost at this day? The Author has omitted the customary assistance given by the Parishioners to the Clergyman in ploughing, reaping, manuring, drawing Turf or Coals, &c. which occasions a considerable saving to him.

* The Ministers in Edinburgh have £200 a year.

on account of the different value of money ; but the reader shall have the result of my personal inquiry, and a late communication with Gentlemen, on whose researches I can better rely, than on my own. The *lowest* salary from the State to a Parish-minister in Holland, is 600 Guilders, equal at least to £60 Irish, a year ; in North Holland, 650 Guilders ; besides in all parts a House and Garden, and in some places an addition in proportion to the number of their children ; at Amsterdam, the Hague, and other great towns, it rises as high and sometimes above 2000 Guilders, or £200 Irish, besides presents to the Ministers in Amsterdam, from the East-India company. An aged or infirm Clergyman, after an examination by the States, is declared *emeritus*, and discharged from his function, but enjoys his full appointments during life : and his successor has immediately the full pension allowed for that Church. The Widows of the Clergy receive one entire year's salary. An extract † from an essay on the Right of the Clergy to a maintenance, published in London in 1726 by Mr. William Webster, Curate of St. Dunstan, was communicated to me by a member of the House of Commons in this kingdom, on whose accuracy I can rely, but who does not answer for the goodness of the Author's information. " The States of Holland " think £100 *per ann.* the least which a Clergy- " man *unmarried* ought to be allowed. None of " those who are *married*, have less than £150 a " year ; and in their capital City, every one of the " *Established Church* has a certain income of £300 a " year. They have not indeed so much *salary* from " the States, but their stated and fixed presents, as " certain as their salary, make it amount to that " sum ; and their Widows are allowed pensions."

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† I have since seen the Work,

In the Canton of Berne, the maintenance of the Clergy consists principally in an allowance from the State, of Corn and Wine, and a very small stipend in Money, as it has not received any considerable increase since the time of Calvin. But they have all comfortable Houses and Glebes, and I am assured by a Gentleman of that Canton, equally well acquainted with this kingdom, that the average income of the Clergy there puts them in a state more comfortable, and in a better relative situation, than the average above stated would place a Clergyman in this Country.—The salary of a Minister in Geneva, though small, not more than £80 English a year, is yet competent to support him with decency.*

After this view of the situation of the Presbyterian Clergy, compared with the other classes in society,—and after allowing for the superior facility of procuring the necessaries of life in the Countries just now mentioned; § the general want of Markets in Ireland, which renders subsisting on a small scale, at once wretched and expensive;—the miseries
of

* *Note to the ninth Edition.* Since the publication of the eighth Edition, I have received by the hands of one of the best-informed Gentlemen I ever met with, (a native of the Palatinate) an account of the Revenues of the reformed Clergy of that country and of Hesse. Their Benefices may be divided into three Classes.—In the Palatinate, the highest, containing one fourth of the whole number, amount in value to from £120 to £130 Irish; The middle, containing two fourths, from £60 to £70; The lowest, containing the remaining fourth, from £35 to £40 besides a sufficient House and Garden.—In the County of Hesse, the first class goes as high as £160; The second to £70 or £80; The third to no more than £30 or £40 besides the House and Garden.—But at the same time it is remarked by the Author of this information, who was lately in this kingdom, that the Palatinate and the County of Hesse are some of the cheapest districts in Germany; and he adds, that a country Clergyman can maintain himself and family in a very decent manner for £60 or £70 per Ann.—The Average of the Parochial incomes in the Palatinate appears by the above account to be £73; that of Hesse £86:5s. od. exclusive of a House and Garden.

§ This is remarkably the case in Holland, and from the smallness of the parishes, and convenience of boats, the Minister is under no necessity of keeping a horse. I am assured, that provisions are cheaper in Amsterdam and the Hague, than in Dublin.

of our unprovided Poor, which are a constant drain on the resident Clergyman, where so large a proportion of the Proprietors of the estates in his parish reside in another kingdom, and seldom contribute to the Poor;—the expenses of building or paying for a Glebe-house, or renting a habitation at an exorbitant rate; Let the Reader then say, Whether £133 : 6s. *per ann.* (extremely ill paid) be an excessive appointment, for a person invested with such a trust, as has been above described; placed in circumstances so inconvenient and irksome, after the expenses and habits incurred by a liberal education; and excluded from any other employment? Or whether with less encouragement, any young man of family, abilities, or education, would be destined by his parents to the church?

If it be said, that from the unequal Distribution of the clerical fund, some have too much; I answer, that the discussion of that point (which is a great and doubtful one, since much may be said for a Subordination of ranks amongst the Clergy, as well as in the Army, or Navy, particularly in a constitution like ours) is totally irrelevant to the present question. A Reduction of Tithes would only aggravate this supposed grievance, by reducing what is already supposed to be *too low*, still *lower*. The smaller livings, that is, infinitely the greater number, would no longer afford a maintenance for the incumbent; *the churches must be shut up*. Essential harm therefore to Religion and the Protestant Ascendency, must result from reducing the income of a parish too low.

But let me ask any Layman of candour, and I defy any man of a contrary disposition to point out, What particular mischief could arise from the
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the Wealth of a clergy, circumstanced as ours, were their appointment (which is a † separate allotment from the State, and does not intrench on the property of any other Subject) as great, as some men falsely imagine? The Regular clergy of the church of Rome indeed, being a separate body, with an interest distinct from the general weal; claiming an exemption from publick Taxes, and from the Civil jurisdiction of their own country, and avowing a subjection to a foreign power; were, and are, a natural object of jealousy and apprehension. This every superficial man has heard, and treasured up in his memory in a confused manner; though probably he does not know, that at the several periods when *they* were most troublesome and formidable, the Bishops and Secular Clergy almost always supported their National Princes, against Papal encroachments. But in the present state of our Church, why should the Prosperity of the clergy be more an object of alarm, than that of any other class of citizens? Are they not involved in the same common interest, by domestick connexions? Do they not pay the same Taxes to the State, tho' they are the only class of his Majesty's Subjects, who, however great their lay property may be, are precluded (by usage, if not by law) from sitting in that § Assembly, which has the exclusive power of *levying* taxes? Are they not amenable to the same Courts? Do they spend their incomes in a manner less advantageous to the publick, than their fellow subjects? Do they en-

courage

† Tithes are thus described by Lord Coke, "*Decima pars*, which we call Tithes, is an Ecclesiastical Inheritance *collateral* to the Estate of the Land." Coke's Reports, Part 11. Priddle and Napper's Case, p. 14. a.

§ The Author is far from regretting this exclusion. He thinks the admission of Clergymen into the House of Commons would be as pernicious in a Religious, as in a Civil view; and only points out this, as a Balance to the admission of a certain number of Ecclesiasticks into the other House of Parliament.

courage vice more, or national manufactures and charity less, than other men? Is not their very Profession, an additional motive to be exemplary in doing good, and refraining from evil? Do not whatever riches they acquire, merge in the general mass of the wealth of the Laity? Into what other hands then could the State transfer *their* possessions, with any probable gain to the publick? In fine, to borrow a Query from my excellent and ingenious Predecessor Bishop Berkeley, in a work * worthy the perusal of every Irishman, "What " would the Publick lose, if every Squire in the " land wore a black coat, and said his Prayers, " and were obliged to reside?"

But here perhaps it may be suggested, that the Clergy, though they read Prayers, and preach, because they cannot avoid it, must be remiss in the discharge of their duty; or else more Converts would have been made to the Protestant church. Now without yielding on one hand to an indiscriminate unjust Charge on the whole Clerical Body, or hazarding on the other an indiscriminate Exculpation of every Member of it, I shall proceed to state the Impediments, which the most Diligent clergyman meets with, from the Defective Settlement of the church of Ireland; An inquiry of a most interesting nature to every serious Protestant, highly deserving the attention of the members of the Legislature in particular, and calculated to throw a stronger light on the subject of the Parochial Revenues.

SECTION

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SECTION IV.

Of the Defects in the Settlement of the Church of Ireland.

THE object of Parochial establishments being, to distribute through the country religious Instructors, and Places of instruction, in so commodious a manner, that the inhabitants of every district shall have both within his reach; the Settlement of a National Church must be deemed Defective, until those points shall have been accomplished. How far the Church of Ireland is from that happy situation, I need not say; The number of Clergy will be sufficient evidence. In England, a country comprehending, according to Templeman's survey, 49,450 square miles of land, there are about 10,000 Clergymen; one, to somewhat less than five square miles: In Ireland, comprehending 27,457 square miles, about 1200; one, to near 23 square miles. In the *small* extent of the United Provinces, containing only 7,546 square miles, there are 1570 Ministers of the *Established Church** —The want of Churches is so confessed, that the House of Commons makes an annual grant of £5000, for erecting new ones.—Nay, the very amount of Tithes (now so much complained of) would alone bespeak too great an extent of land in many parishes: It does not prove, that each farmer pays more, than he ought, to the incumbent, (for the latter can never get the value of his legal right,) but it proves, that the country is not provided with a sufficient number of Instructors of the people.

In

* Tho' from the tolerating spirit of their Government, they have a great number of Roman Catholics, Lutherans, Menonites or Anabaptists, together with some Episcopalians of the Church of England, and a few Quakers, and Moravians.

In the province of Ulster indeed, much has been done to remedy this evil, by the judicious and-unwearied attention of it's excellent Metropolitan; and the ardour with which the Suffragans and Clergy of that Province have seconded his zeal. Not only many new Churches have been erected within these twenty years, but likewise such a number of decent Glebe-houses, as bear unequivocal testimony, that the clerical revenues have contributed their full share to the improvement of that part of the Kingdom.—But far different is the state of Munster and Connaught. From the want of Tillage in those Provinces, it became necessary, in the last † century, to unite several, sometimes from 5 to 9, parishes, not unfrequently containing a tract of Land 20 miles in length, in order to furnish even a scanty maintenance for one parish-minister. The Livings in Connaught remain in the same impoverished state; but in some parts of Munster, from the increase of Tillage, the Rector of a large union derives from it a very considerable income. This income however arises from such an extent of land, as would require two, or perhaps three Churches, to accomodate the different districts of it, and of course reduce the maintenance of the Clergy employed therein to a very moderate level. It is evident at the first glance, that the Reduction of tithes must render such unions perpetual, and set up a permanent unsurmountable bar against the Progress of the Protestant religion.* I

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† See Lord Strafford's Letters.

* So great a number of such unions still exists, and so many small parishes are unprovided with Protestant places of worship, that it would require a much more extensive and accurate knowledge of the several parts of this kingdom, than the author can pretend to, (or possibly, than any one of the projectors of a new plan possesses) to ascertain the future number of Clergy, when the whole country shall be competently furnished with Churches; and of course to determine how far the Tithe, arising from even a much more extensive cultivation than the present, would be sufficient for their maintenance.

am aware that it may be suggested, that little hope of an increase of Protestants, sufficient to require such an additional number of Churches, can be derived from the progress already made in Conversion. It is true, that the Progress has not been in proportion to the goodness of the cause, but the reasons of it are by no means understood. I shall now state them.

Besides the very great extent of many parishes and unions in the Popish parts of the kingdom already mentioned, which renders it *physically* impossible for the clergyman to attend properly to every part; and besides the want in many parishes, of any Church, in most, of one commodiously situated, for the purpose of calling his congregation together for devotion and instruction; the Clergyman labours under another material disadvantage, from the almost universal want of Glebes. The Roman Catholics, who compose the bulk of the parishioners, being in general but little inclined to accommodate him, or his Curate, with a Lodging; he is frequently under the necessity of residing at a distance, inconvenient for even the stated weekly duties of his office, and absolutely incompatible with an attendance, such as the circumstances of his parish would require. The difference of Language is likewise a very general (and where it obtains, an unsurmountable) obstacle to any Inter-course with the people.—Can it then be matter of surprize, or of reproach to the established Clergy, that under such disadvantages, they cannot prevail against a Priest always at hand, and master of the

Irish

ténance. All that can be relied on at this moment is, that matters are not ripe for that decision; and that it would be rash, to a degree of madness, in the Protestants of this country, by any premature step to curtail the necessary resources for adding to their number. And surely they have little inducement to trust, for the future arrangement of the Church, to the hazardous speculations of those who do not understand it's present state.

Irish language; * whose efforts are seconded, not only by rooted prejudices, strong in proportion to the ignorance of the people, and by habits of obedience from his flock, who look up to him for Absolution; but a zeal too in the Laity of that persuasion (that is, almost the whole neighbourhood) to make Profelytes, and by the terror, hanging over every person who quits the Romish Communion, of being cut off, as it were, from Society? Whilst the Lay Protestants in general do not second their Clergymen by their exertions; and too many of the Higher ranks discountenance all Religion, by entirely neglecting Publick Worship.—This view of the protestant interest is gloomy indeed; but the gloom, thick as it is, may be gradually dispelled. The English language is becoming more general. The number of Churches increases; † and by the increase of wealth from the extension of commerce, will be likely to be still more rapidly augmented. The attention of Government has been drawn to extend the blessings of Education; which by planting knowledge, will tend to eradicate error. Means may be devised to procure Glebes; and the clergy be enabled to reside in their parishes. Inconvenient unions may be dissolved. The Clergy may be multiplied, in a proportion equal to the rise of Agriculture; and the propagation of true Religion keep pace with the cultivation of our lands. The difficulties of supporting and extending the Protestant interest, tho' great, are by no means insuperable; if the Legislature should give to this great national object that steady attention, which it so well deserves. But the evils political as well as religious, attending

* If it be asked, why the Clergy do not learn the Irish language, I answer, that it should be the object of Government, rather to take measures to bring it into entire disuse.

† See Sect. 7.

ing a despair and dereliction of it, are *without number, and without remedy.*

It must be evident on the slightest consideration, that *any* Reduction of the incomes of the parochial clergy, must be highly injurious; a considerable one, fatal to the Protestant established Church. It must, in the first place, perpetuate large Unions: it must render small parishes incompetent to support a resident minister; of course, put a stop to the building of Glebe-houses: and not only prevent the erection of new churches,* but shut up a considerable number of the old ones. The number of Protestant clergymen must in the same degree be diminished, and rendered still more unequal to the care of such an extent of country; their rank and education become inferiour, and their influence proportionably decline; which must raise the comparative influence of the Romish clergy, and occasion Popery to gain ground on all sides. The hopes inspired by such a manifest disregard in the Legislature to the Protestant cause, would animate the efforts of the Romish Priesthood

* The parish of Ballyvourney in the Diocese of Cloyne (the Church of which is in Ruins) will be an instance in proof, if proof were necessary, how effectual the Reduction of Tithes would be to prevent the building of Churches, and the progress of the Protestant Religion. The Tithes of this parish were let many years ago for £83 *per ann.* as I am informed, and are supposed now to be worth between £200 and £300, according to the usual rate of setting Tithe. In consequence of a Combination in that *extensive* parish, the Tithes are now reduced so low, that the late Incumbent did not receive from it £10 *per ann.* and resigned it into my hands. A Clergyman of very distinguished piety and merit, who was at that time Curate of the adjoining parish, was collated to it by Me and inducted. But when he was going on a subsequent Sunday to read the Liturgy in the Ruins of the Church (as appointed by Law) he was warned, not to proceed, as a band of the Popish inhabitants was collected at a neighbouring Chapel, for the purpose of taking away his life: He accordingly deferred executing his intentions at that time, and when afterwards he was performing that duty, very large stones were thrown at him by persons unknown. I had some time before taken measures to get the old Church repaired, or a new one built; but this Combination defeated my purpose.

hood, and of the foreign States, who now think it *their interest*, to form Establishments for their Education. The Question therefore of this day is not, Whether a few clergymen richly beneficed shall have their incomes curtailed? but Whether *very many* parishes shall instantly be left without any Protestant minister, and the Protestant religion rapidly give way to Popery, till it be totally extinguished?

SECTION V.

On Commutation.

IN the foregoing Sections it has been placed, I conceive, beyond the reach of doubt, that the Ecclesiastical establishment is an essential part of the Constitution of this Kingdom; that the preservation of it is peculiarly interesting to landed property, as well as to the Protestant ascendancy which cements this Country with Great Britain; and that the Church of Ireland would not only be stopped in it's progress to a complete settlement, by any considerable diminution of the fund for the support of the Clergy, but would sink rapidly more and more below it's present very imperfect state, till the consequent progress of Popery had entirely overwhelmed it.—But many, who concur in those ideas, are yet of opinion, that the present mode of providing for the Clergy is inconvenient; and may safely be exchanged for some other, equal in value to the present Clergy and their successors; and attended with fewer inconveniences to the Publick. This project of innovation (generally called Commutation) shall now be examined; and to do it fairly, I shall state the Objections against Tithes, in their full force.

I allow,

I allow, that they operate *like a tax on industry, and since the loss of Tithes of Agistment, a very unequal one; that they are occasionally the cause of contention between the Minister and Parishioner; and when that happens, an obstruction to his ministry: and that they are a troublesome species of property to the Clergy. I shall further allow, that if the farmer could really put the value of the Tithes in his own pocket, (which I shall soon prove he cannot, except during the continuance of the lease now subsisting) it would be an encouragement to the Plough.

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* I say *like* a tax, for Tithes, strictly speaking, *are not* a tax, though with an invidious view represented as such. And much mischief arises from the adoption of improper terms; such especially as carry with them a false Association of ideas, injurious to any individual, or class of men. I therefore wish to take off the unjust impression, that a Clergyman, when he is setting his Tithe, is collecting, and striving to increase, a tax from his parishioners for his own use; which will be done effectually, by explaining the word *tax*. A tax is a portion of the Property of the Subject, levied by Law, for the Publick use. Now Tithe of the produce of the land, though raised by the industry of the Farmer, is *not* his *property*. It was not his Landlord's, not being comprized in the Royal Grant of the lands; and if it were lost to the Clergy, must revert to the Crown, the fountain of property. Again, the portion of Tithe paid to the Minister of a parish is not levied for a *publick* use; for he is retained to perform religious services for the inhabitants of that particular parish only, and if he were paid by the inhabitants (which I have above proved, Note to p. 40, he is not) would be paid by those, whom he serves. His not being appointed by them is no objection; His nomination is in the hands of those, who have not only a more competent judgment, but a better Right: for he is appointed either by the Crown, the fountain of property; the representatives (either by descent or purchase) of the Lord of the Manor, who founded the parish; or the Bishop, or other person, to whom the right of Advowson was transferred either by the King or the Lord. And the purchaser or renter of lands took his interest in them, on this footing. Tithe therefore is a payment of a quota for services; and, if Tithes of Agistment had not been wrested from the Clergy, in a manner contrary at once to the constitution, law, and common sense, would have borne an equitable proportion to his ability.—The case of Improprate Tithes does not come within the scope of this treatise.—The case of Dissenters, who reject the service of the Clergyman, has been considered in Sect. II.

The Objections to Tithes are striking; they float on the Surface; it is scarce possible, not to see them. And from thence a judicious man would be led to suspect, That such obvious inconveniences could never have been submitted to, for so many centuries, by so many wise States; by the whole Western Church, comprehending every polished nation in Europe (the small districts, inhabited by the Presbyterian sect, excepted) That not only Italy, Spain, Portugal, Germany, Denmark, Sweden, Hungary, and Poland (the Legislatures of which might be suspected of less attention to *æconomical* subjects) but that even the commercial States of France and England, should have perpetuated such a burden on the plough; and in their various speculations for the encouragement of Agriculture, not have abolished Tithes; had it been *quite so easy* a matter, as some persons conceive, to find a proper Substitute for them. Can it be conceived, that the Clergy, in some one of these Countries, feeling as they must, the trouble and vexation, attending this species of property, and possessing as they occasionally did, so undue an ascendancy over their princes, would not have brought forward some plan for a more easy maintenance; if such maintenance could have been devised, with safety to their Order: to which, in the worst of times, they have sacrificed their private emolument? For it cannot be pretended, that a notion of Divine Right prevented that improvement, because the idea of Divine Right was never universal: nor was the partition of Tithes the same in all places; and yet even the great change of the Reformation by Luther, in Germany and the North, and by Henry VIII. in England, tho' it subverted several of the other branches, made no alteration in this part of the Ecclesiastical

Ecclesiastical revenue. § Tithes, with all their manifest inconveniences, were continued. Either therefore we must conceive, that all these States, the most enlightened in the world, have remained for ages in one palpable pernicious blunder, through mere chance and inattention; Or there must be at bottom some very sound reasons, to prevent their attempting a change, which appears so easy, as well as beneficial, to a few politicians in this kingdom. Perhaps, on dipping beneath the mere surface, we may discover some of them.

In England, for instance, which is the source of our ecclesiastical establishment, when the Lords of Manors wished to fix resident pastors amongst their tenants, instead of their being supplied with occasional ones by the Bishop; they insisted, that the Tithes of their respective lands, paid before into the common fund of the Diocese, should be appropriated to them. The plan was reasonable: the service was reciprocal between minister and parishioner; each in his vocation laboured for the other. It is not easy to conceive, in those times, when by the Feudal system, which pervaded almost all Europe, all the peasants were vassals to the Lords, and the very Rents were paid principally in kind, what other mode could have been adopted of providing for one, who was not able to till the ground with his own hand; or if he could, ought not to consume his time in an occupation, which would have defeated the purpose of his Residence.

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On

§ Even in the Calvinistical States of Germany (namely the Palatinate and the Principality of Hesse) the Reformed Clergy retain their Tithes in the same proportions as the Roman Catholic Clergy enjoyed them; except only, that within these fifteen years, the Duke of Deux-ponts, who embraced the Roman Catholic Religion, seized the Tithes of his small State, and took upon himself the maintenance of the Clergy. A complaint of this invasion of the Publick Law of Germany has been preferred to the Diet at Ratisbon.

On trial of this establishment, it was probably observed, that Tithes rise and fall with the value of money, and therefore are equal to successive incumbents; that they rise and fall with the value of the crop, and therefore are at all times an equal burden on the husbandman; that they vary according to situation, being highest in the neighbourhood of great Towns, where the market is highest to the farmer, and the price of the necessaries of life to the clergyman.—It was probably observed, that this mode of payment rendered the Clergyman more dependent on the Goodwill of his parishioners, than land, or any other separate possession; that it reminded him of his pastoral duty to each individual, thus annually contributing to his support; that the very intercourse of business which it created, though sometimes the cause of contention in making the bargain, gave very frequent occasion to acts of kindness and conciliation, on the part of the Clergyman, as to the respite, or entire remittal of payment, which the smallness of the several sums might enable him to afford†. It might easily be discerned,

† The very Processes brought by the Clergy, for the recovery of sums due for tithes, would bear frequent evidence of a forbearance unusual in the demand of other debts, if the date of the agreement were adverted to; and would silence the invidious reflections, derived from the number of them, which is owing to the multiplicity of contracts made in every parish. These reflections indeed prove only the difficulty, with which the Clergyman collects his present income, and the consequent impropriety of diminishing it; for surely the blindness of prejudice cannot go so far, as to make any man think it unreasonable for a Clergyman to sue, if it be necessary, for the price of his property. To any man conversant in the management of tithes it is evident, that the best mode for the accommodation of the parishioners is, to set to every individual his own; which tends, by multiplying Contracts, to give occasion to many Processes. These Processes might be avoided, by setting them by ploughlands, to those worst of tyrants, the petty landlords. A Tithe-farmer would prevent all processes by the Clergyman. Complaint therefore of the number of Processes argues want of due consideration of the subject.

discerned, and was well worth attention, in times when the Church arrogated to itself privileges dangerous to the State, that a property thus dispersed in trifling parcels, and inseparable from the property of the Laity, was accompanied with far less Power, than what would have been derived from Land, or any other possession, of the same value. It was probably considered, as one cause of attachment of the Secular Clergy to the Government, and preventing of their uniting with the Regular Romish Clergy, in encroachments on the Civil power; which (from the dispersion of the former in all parts of the country, and the influence of their superior education and venerable office over the whole peasantry) would have been a very formidable accession.—It could not fail to have been observed, that Tithes tend to promote Residence, more than any other mode of support. For the rent of Glebes, or other fixed yearly revenue, may be received and spent any where; but the management of Tithes requires so much attention, that the income from them must suffer considerably by Absence.

It may be said, Residence may be secured by Law. So superficial men think; but Reason, as well as fact, proves the contrary. There are so many occasional circumstances, which render residence impossible, that it is necessary to lodge in some person a dispensing power. That power, wherever it be lodged amongst human creatures, is liable to abuse, through inattention, through misinformation, through favour, through false good-nature, or (which is more common) through a fear of that Obloquy, which the enforcement of Discipline ever excites; even from those, who clamour loudest against the relaxation of it. The most effective method

method of insuring residence, is by an income, which will be certainly impaired by non-residence; as in all instances, that is the best Law, which executes itself, by annexing an Immediate reward to obedience.—Further, though the loss on Tithes be sufficient to discourage Non-residence; yet Tithes do not hold such temptation to the resident Minister, to immerse himself in secular concerns in order to increase his income, as an allotment of Land; which might induce some to devote their time to Farming, and by so laborious and low an employment, lessen not only their attention to their duty, and their application to learning, but likewise the respectability of their Character.

These considerations, and surely they are of some weight, should be put fairly in the scale against the Objections, to which Tithes are confessedly liable; but the balance is, and ever has been, turned in favour of them, with the wisest Legislators, by the difficulty, hitherto esteemed *insuperable*, of devising a Substitute, liable to so little Objection.

What scheme, if any, may be in the contemplation of the present favours of innovation, the writer cannot decide. None has yet appeared:*

and

* Of course, nothing is left for the Author, but to draw his conjectures of the species of Innovation which may be intended, from the projects suggested in common Conversation.—The several plans hereafter mentioned are not however mere phantoms of his own creation, but schemes which he has heard men, of good judgment on other subjects, endeavour to support; and the least absurd (which is the true line of comparison, in this case) which have come to his knowledge. The judicious reader therefore, when tired of attending to the detection of such absurdities, as are obvious to a good understanding, will pardon a trespass on his patience, necessary to an Author, who is reduced (by the importance of his subject) to the necessity of obviating the prejudices of the ignorant, and anticipating the whimsies of projectors.

and if no person has a right to be called a Friend to Commutation, who has not a *distinct idea* of the *two* things to be exchanged (which seems a reasonable principle) Commutation has, I believe, few, if *any*, friends.* The general confused approbation of it amongst the Laity is little more than a proof, that some of them have discovered the Objections to Tithes above stated, or that the Generality wish to get rid of an obligation to pay money. They consider Tithes as a tax, and they do not relish the payment of any kind of taxes. But if Tithes were a tax, that supposed tax is destined to the most necessary of all political purposes, the Civilization of the people. Now when any new tax is opposed, the Minister says with great justice, If you dislike this, propose a better: and when ever a better plan shall be suggested for the payment of the Clergy; that is, one equal in value to them in succession, and more convenient to the Laity, they will thank the Statesman, who shall disencumber them of the constant Trouble, and the occasional Ill-will, arising from Tithes.

* *Note to the ninth Edition.* If any Member of either House of Parliament has digested a plan for Commutation since the breaking-up of the Session, it were much to be wish'd, as a measure conducive to the correction and improvement of it, or to its being more unanimously adopted by the States of the Realm, if it be found to require no correction and to be susceptible of no improvement, and at the same time expressive of the candour of the Author, that he would state to the Public a reasonable time before the meeting of Parliament the general outlines of his scheme; in order that a subject so deeply interesting not only to the whole body of the Clergy, but to every individual of the Laity, affecting the patronage of the Crown, the immediate existence of several kinds of Property, the ultimate security of all Property, and the Constitution of the State, may be maturely weighed. The hurry of a Session does not allow leisure for the discussion of so complicated a matter. The most eminent Lawyers, whose best exertions will be wanted on such an occasion, cannot spare time from the business of the Term, the Circuit, and the Parliament. His Majesty's Ministers are overwhelmed with affairs. The bad effects on the publick weal from the Adoption of a crude scheme, and on the minds of a prejudiced and heated populace from the Rejection of it, are decisive against introducing any innovation without timely notice.

Tithes. At present, they wish the old system to be continued, from despair of ever seeing so good a one established in it's place. A little reflection will discover the complicated difficulties attending such an attempt in this Kingdom.

The first step towards Commutation is, to ascertain the present Value of Livings. This is easily talked of; but not quite so easily effected. Who are to be Commissioners for making this valuation? Are they to be a mixed body, half lay, and half clerical; or are Laymen of property to decide, how much of that property they are to give for the Tithes of the Clergy? Would the Laity think it just, that Clergymen should be the sole Commissioners? Or would the State be safe, in leaving the support of a *necessary* class of their Officers, exposed to the intrigues of *private* rapaciousness; any diminution of which support must either take from the publick Service, as proved above, or occasion a general Tax to replace it?

But suppose proper persons appointed, and that no one were allowed to be a Commissioner in a Diocese or County, in which he had any property, then you take for granted, that he would be impartial. Yes: except he be ill inclined to Religion, or to ecclesiastical establishments in general, or to the established church in particular; or may think the Living too large, or that the Clergyman should be fined for voting wrong at the last Election; or may wish to make a good Bargain for a relation, a friend, the Great man who got him the place of Commissioner, or for a principal supporter of his Patron's party; or if he be a Member of Parliament, should be apprehensive for his own Popularity.

But

But even suppose the Commissioners impartial, and without Connexion in the parts of the Country, in which they are respectively to act; Are they to value the property of both Laity and Clergy in places, where they are entire Strangers, and of course incompetent to judge? Or are they to impanel a Jury of the Vicinage, who are supposed to know facts; and leave it to the consciences of the tenants, or followers of the landed Gentleman, to adjust this complicated business between him, *themselves*, and the Parson of their parish? On what evidence, are the most impartial Commissioners and Jury to ascertain the average value of a Living? Are they to rely on the Oath of the Minister? Perhaps the Parishioners might not think that quite fair, in a matter of Property; nor would it be strictly consisting with legal impartiality. But the clergyman may have been lately instituted or collated. In that case, are they to refer to the books of the Predecessor? Perhaps he kept none, or very confused ones, and he, or his Representatives, if he be dead, may refuse information; from influence, especially in the case of private patrons, or from a dispute with the successor. Is the late Proctor or Tithe-farmer to be resorted to, for evidence? Most probably even the *Proctor*, whose office is at an end by the supposition, will not give any; for it can scarce be expected, that he will incur the permanent hatred of all his powerful or savage neighbours, in order to serve a man, who came yesterday, and may be gone to-morrow. Will he from a disinterested and intrepid pursuit of justice, expose himself to have his house burnt, his cattle houghed, to lose his ears, or be buried alive? As for the *Tithe-farmer*, he certainly will not reveal his Profit, with no possibility of advantage to himself, but on the contrary, with a certainty of being abhorred for what is called Extortion, and
being

being punished by the mob, as if it really were such; and at the same time, of discovering to his late employer, how much he had imposed on him. It seems to me in most instances impossible for the Clergyman to procure such evidences of an average value, as would not leave latitude, enough to such Juries,† as are likely to be impannelled, to deprive him of half his income. I leave this point to the conscience of any man, sufficiently conversant with trials at Law in this Country to be able to draw up an Act of Parliament.

But if the value of the Living were ascertained, how is the Equivalent to be raised? I can conceive only three modes; a salary out of the publick treasury, a rate on the Parish, or a portion of Land.* In the first case, the inhabitant of Dublin

or

† See Note Page 85.

* A Corn-Rent, recommended in general terms by the learned Archdeacon of Carlisle, (in his Moral and Political Philosophy) is not sufficiently explained by him, to be fairly examined. If it means, what is *generally* understood here by that term, a rate for Tithe of corn, payable like Rent, it is not a Commutation, but a Modus. The operation of a Modus is well known to the Clergy by fatal experience. If it be perpetual, it is unequal to successive incumbents, as it does not vary with the value of money: and at all times it is unequal to the occupiers of land of different degrees of fertility: in different seasons, it is an unequal burden on the same farm, as it does not vary with the value of the crop. It bears hardest on the poorest lands, the tillage of which will be discouraged. The proprietor will of course suffer, by the diminution of rent; the publick, by the loss of cultivation. It bears hardest on the poorest farmers, who have not the means of manuring highly; and in addition to the landlord's rent, would be insupportable to the lower tenantry. It bears hardest in bad seasons, because it takes the same sum out of a crop of smaller value. In every view, the burden lies heaviest on those, who are least able to bear it. This surely is calculated to grind the faces of the poor; and in point of equity, as well as charity, bears no competition with the old system.—If by a Corn-rent is meant a rate on each parish, varying with the price of Grain, as the Rent of Estates belonging to some Colleges in the Universities of England is adjusted; that could not be applied with equity to a grazing country, as the profit on Cattle might be low, at a time when the

or Cork, who pays his own minister by a rate on his house, would likewise pay the Country clergyman his quota by a new tax. Or if minister's money were abolished, and the tax were raised on general consumption, it would be as unequal and unfair to the reputable inhabitants of great Towns. —A large parish in the Country, the property of an Absentee Landlord, and inhabited by Beggars, would contribute as little to the Ecclesiastical establishment, as it now does to the Civil and Military, or to the Poor.

If the Equivalent is to be raised within the Parish, are the Grass-lands to pay, and the *politick* and *constitutional* regulation of Tithes of Agriculture to be defeated? Will the purchaser or renter of such lands (supposed, though not really, Tithe-free by virtue of that Vote) like to be subjected to a new tax? If that should not be thought equitable, Is the farm under Grain at the first applotment, to lie

the price of Corn was high.—But further, what remedy can the Clergyman have, in case of non-payment of his Corn-rent? At present, he has either his Tenth, or a civil bill Process for the composition, or for the value proved in case of Substraction. But how is he in future to recover his debt? Is it by distress? The prior demand of the landlord will in all doubtful debts defeat him. Is it by personal action? And is the Clergyman to arrest his parishioner, and carry him to Gaol? This *doubtless* would serve to *endear* him to his parish, and take off the obloquy, which he now suffers merely for processing him to the assizes! But will not some one be found ready to report to the Legislature the number of persons *imprisoned* at the suit of the Clergy; in hopes of taking away that which was given, on former representations, in lieu of their Tithe? Let any man, conversant with the manners of our lower people, figure to himself the situation of a parish, in which the incumbent is necessitated to cause to be arrested the same number of his debtors, as he is now obliged to process. If a bailiff could be found desperate enough to begin, can it be imagined that the prisoner would not be instantly rescued by such a multitude of his fellow-debtors? The impossibility of recovering would be a virtual release of all Tithe-debts. The attempt to recover, if once made, would never be repeated; and the minister must sit down quiet (as is the case at present in several parishes, through the violence of the White boys) under the loss of his whole income. This regulation tends to the extinction of the Order,

lie under a *perpetual* tax, though it should afterwards be converted to Pasture; and the grazing farm to remain *for ever* free, though afterwards ploughed? Or is there to be a new applotment every year? What if a great part, or the whole of a parish, lately under corn, be converted to pasture, in consequence of the increase of a neighbouring town; Is the old rate to be continued? If not, and the adjoining parish, which in consequence of the alteration, now supplies the town with grain, be more ploughed; Will the equity of the new regulation give to the *aggregate* of the provision for the Clergy, an increase in that *second* parish, adequate to it's loss in the *first*? Will the farmers of the second parish rest content; and not become *Whiteboys*, on a little proper encouragement? And when that Encouragement has been found so profitable to themselves, and *so injurious to the protestant religion*, in the year 1786, Is it likely to be wanting in future? What a Chaos of confusion will such an innovation create! and after all, produce a species of payment, that not only will not vary in a reasonable proportion to the times; but will vary in a ratio, the *reverse* of right. The money paid to the Clergy will be worth less, in proportion as the other classes of society are rising in affluence; and they of course will sink in their relative situation. If it be said a new valuation must be made, at a reasonable interval; then the general Confusion is to return periodically, like a general Election. But I fancy, if once tried, it would never be repeated for the mere purpose of keeping up the income of the Clergy, especially if a *general Canvass* were at hand. And should it be attempted, by what gauge is the *new* valuation to be regulated? That of *average* is at an end.

It appears to me, that if Tithes, that is, a part of the Produce of the land, be withdrawn from the parochial Clergy, the only other endowment, equal in succession, must be a portion of the Land itself. And if the valuation were fairly made, the exchange would certainly be advantageous to the present Incumbents of parishes; yet it would be the duty of the Clergy, and every Protestant, to oppose it, as by limiting the quantity of land to the present value of Tithes, it would in most cases limit to it's present *low* standard the Protestant Establishment. In all the grazing countries, for instance, should the clerical incomes be fixed by a portion of land, merely equal to the *present* tillage, and the lands hereafter be broke up, and stocked with inhabitants, there would be no fund to pay additional Protestant Clergymen: The Protestant religion must either be for ever stopped in it's progress, or some *new burden* laid on the nation at large.

But further; how would the Laity like to be *forced** to sell their property? What difficulties and discontents would attend a general Commutation through the realm! No one can form an idea of it, but a Lawyer who had taken into consideration the difficulties attending the Act of Settlement in this kingdom. What Body of men could be found, fit to be entrusted with the whole property of the nation, lay, as well as clerical, to deal it out as they shall think proper? Are they to judge, like the Perambulators of the boundaries of a parish, without appeal; and the whole realm to lie absolutely at their mercy? If an appeal lie, to whom, and at whose expense?

* The respectable authority of the Dean of Gloucester has been quoted, in favour of a commutation of Tithe for Glebe, but his proposal is only for a voluntary exchange; and it is by no means clear, that so judicious a man would wish even that to take place in this Kingdom, where the circumstances of the established Church are so widely different from those of the Church of England. See below Sec. 6.

pense? Is a new Court of Claims to be erected, to adjust the Titles of the parties to the respective lands, and to ascertain the several incumbrances affecting the same? Is every Clergyman in the kingdom to be exposed to a law-suit with his whole parish (at a time when his entire income is unsettled †) in order to give him a more *easy comfortable* maintenance, and endear him to his parishioners? If in a single small parish there be 174 Persons possessing Lands in perpetuity (I allude to an instance certified to me) are there to be 174 Glebes set out for the parish-Minister, as an Equivalent for the Tithes payable by the several Farms?—One fact is clear, that during this blessed interval of new-modelling the Church, no one individual will be able to say “*This spot of land is my property!*” The whole kingdom will be in a sort of *Abeyance*; and it will depend on the breath of the Commissioners, or the final court of Appeals at least, to determine in whom every parcel shall be vested. In this awful period of suspense, during the inquiry of the Commissioners, and the subsequent lawsuits, (a period so indefinite, that it would puzzle the most experienced Practitioner in the Courts, to calculate it!) there must be a pause of all transactions, in which land is concerned. All transfers of real property must be stopped: No estate sold, or mortgaged, or included in a marriage-settlement.

But suppose these obstacles to a fair Equivalent in Land be removed, who would be a gainer? The burden of maintaining the Clergy would still remain in it's full weight. The owner of an Estate would not have been advantaged (as he now hopes)

† If it be said, that he will enjoy his Tithe, till he is entitled to the value in land; I answer, that it will be the interest, of course the object of every parishioner, to lower the value of those Tithes, which he has it in contemplation to purchase.

hopes) by getting the tithes, which neither he, nor those whom he represents, paid for; nor would the Farmer's lease be improved one jot, as he must (unless the landlord be generous enough to pay the difference out of his own pocket) have less land for the same rent. But the country will then be more cultivated. How? by throwing into *Mortmain* an extent of land, equal in value to the Tithes of the whole kingdom; and a Mortmain too of so disadvantageous a kind, that the possessor cannot give a tenure longer than his own incumbency; *which limitation is absolutely necessary to preserve the value of the property in succession?* Those gentlemen who complain of the shortness of Bishops' leases for 21 years, would not surely approve of condemning for ever so large a portion of the soil, to what would be (according to their ideas) a total want of Improvement; but will probably think it more advisable, to let the burden be distributed in it's present form; as the very complaints of the amount of Tithes, and apprehension of their increase, are conclusive evidence, that they do not materially impede Tillage; notwithstanding the obvious and baneful operation of that senseless and unjust vote of Agistment.—Those who are jealous of the Political influence of the Clergy, would probably not consent to render dependent on them such a proportion of the tenantry of the whole realm.

What then on the whole would be the operation of this change? At the outset, it would unsettle all the lands of the kingdom; and when that was at length adjusted, it would diminish, rather than advance the Improvement of them; at the same time by taking away the connexion of business between the Minister and Parishioner, it would facilitate, and of course encourage Non-residence.—

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In respect to the Farmer, it is apparent from the reasons above stated, that he is on a far better footing, in his treaty with the Clergyman for Tithe, than he could be, in his renewal of a lease for land tithe-free, open to proposals from all quarters.—With regard to the Clergy, (in addition to the manifest hazard of not getting a fair Equivalent allotted) They must see that Tithes, tho' troublesome, are a provision equal in succession, because it varies with the Expenses of living; that the claim to them is founded in Common Law, supported and defined by many Statutes, and those statutes explained by many Solemn Decisions.—This advantage of the clearness of Law is an equal convenience to all parties. And in any Commutation but for Land, it would require perhaps a century, to bring the new regulation to such a degree of legal clearness and notoriety, as that of the present Tithe-laws.

SECTION VI.

Of the bad Effects of Innovation, on either Plan.

THAT man must be totally unread in History, and have profited little by his own Experience, who is not apprized of the danger of removing *old landmarks*, those especially which are the boundaries of Constitutional rights. The fairest prospect of Improvement will not justify the risk of Innovation in a system, which in a Religious view, has no equal, and in a Political one, is essential to the preservation of the best Constitution that ever was framed. But in the case before us, the reverse of Improvement presents itself, at the first glance; and the more you extend the view to distant effects, the wider field is displayed, of national confusion, and ruin; such as nothing but
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the necessity of alarming the Publick could induce me to delineate.—In the outset, this measure attacks a great variety of Properties: That of the Clergyman, who is the Uusufructuary; That of the private patron, in the value of his right of perpetual Advowson; That of Lay Impropriators; That of Cathedrals, for whose support Tithes are appropriated: nay, in case of Commutation for Land, the only permanent and effectual one, it unsettles the entire Property of the Kingdom; and by the rashness and violence of the measure, shakes to the root the stability of every possession. It affects very considerably the patronage of the Crown; and as far as it diminishes that patronage, impairs the balance of the Constitution. It must reduce the Protestant Clergy, in point of education, rank, and influence; by shutting up many Churches, it must rapidly diminish the number of Clergymen; and at the same time, by raising in the like proportion the number and influence of the Romish Priests, must cause the Protestant interest to decline in a Ratio Compounded of both: Which increased by depression of spirits on one side, and by animation of hope and foreign assistance on the other, must soon overturn the Protestant Ascendency.

Our *Protestant Dissenting brethren* in particular will do well to consider, before it be too late, what will be the effect of the ultimate superiority of Popery on their future situation. The short-sighted Farmer in Ulster may perhaps be seduced by the present profit of lowering his Tithes; of which he does not discern the *effect*: The short-sighted Politician, who yet may see far enough to discern the *immediate* effect, may be gratified by the prospect of realizing his favourite speculation; that of overturning an ecclesiastical

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tical establishment. But as soon as that shall have been accomplished, the Fairy Vision will vanish. For will this kingdom continue long without any National Church? It is a situation too wild and unexampled† to be supposed. Will it adopt the church of Calvin? Let the Presbyterians review either Numbers or Property, and then judge whether that be a probable event. But even that would be *an establishment*, and of course adverse to their opinions; and demanding a national Maintenance, (the present point in question) would be only a renewal of the present disputes. They can have nothing then before them, but an option of the Ascendency of either the church of Ireland, or the church of Rome. Of the former they have had a long trial; and under it have always experienced freedom of religion, and at present enjoy every Civil privilege, in common with the Members of the Established church. Their situation cannot be improved; How much it may be changed *for the worse*, under the Church of Rome, it behoves them to consider with attention, and without delay; as the conduct of so numerous and respectable a Body may decide the event.

But whenever that fatal moment shall approach, Where can the Protestant of either church turn his eyes for support, but to the Sister-kingdom? And it behoves him to consider well, what will be the operation of such Innovations on the minds of our English Neighbours. The only natural permanent ties between independent Kingdoms,
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† The indifference of the late King of Prussia to religion, which led him to shew an equal apparent countenance to all Sects, gave occasion to an opinion, which I have heard in conversation, that all Sects were on the same footing in his dominions. This was by no means the case. Of his German territories I have spoken before in note p. 48: but even in the Kingdom of Prussia, where he was under no control, he was too politic to unsettle the Lutheran Establishment.

are simularity of Religion and Laws, and intercommunity of Property. For the influence of Consanguinity wears out by the mere course of time; sameness of Language does not prevent the different States of Germany, or of Italy, from carrying on frequent wars against each other; and the Power of the common Sovereign may not always be strong enough to hold together Free Nations, jealous of Commerce and the Royal favour, differing in ecclesiastical and legal Polity, and not cemented by the Property of individuals. The joint effect of all these ties was not sufficient to prevent the separation of America from England. The great Proprietors of land in both Islands may be considered as Binding-stones to prevent a Separation; which (should it please the Almighty to visit these Kingdoms in such a manner!) must occasion instant ruin to one, and ruin as inevitable, though a little more distant, to the other. Now will not so great a deviation from the Constitution of England, and so unnecessary an Invasion of property, lessen the disposition of Englishmen, either by way of purchase or loan, to vest anew, or to continue, an interest in Irish lands? I appeal to the low price of Lands (in spite of the natural effect of Peace, and extension of Trade, and in opposition to the Rise of the publick Funds, which in usual course keep pace with the value of real Property) in proof of the effect of late Alterations: but those alterations had great objects in view; extension of Commerce, and enlargement of Constitution. But for what object, in the present case, are such tremendous evils to be risked? Is it, that the Landlords may add to their Rents the Tithes, which neither they nor their Ancestors purchased? Is it, that the Tenant may get rid of a burden, for which he has received a valuable

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consideration?

consideration? Is it to gratify a few enterprising Geniuses, who flatter themselves that they are capable of forming a regulation, which the most able Statesman, that ever lived, have universally *despaired* of contriving; and for which no one was ever found *mad* enough to risk a project, in a Constitution similar to ours in Church and State? For surely it can never be suspected, that there is an inability in the Executive Power to control Mobs, and execute the laws! Such a confession would be a virtual Abdication of Government; and must encourage the Populace to make a further trial of their strength, in subverting all Property: Of which intention they have given no *slight* intimations. The very Insurrection, in order to procure an Alteration by force, is alone a sufficient reason for refusing it. But if Government could stoop to the expedient of Submission, What effect, even temporary, could it produce? Would the farmer, who took up arms in 1786, to shake off the payment of twenty Shillings for Tithe, be satisfied to pay the same number of Shillings, under the name of Commutation, in the Year 1787?

It may be suggested, to obviate what is said of the effect of this Innovation on the minds of Englishmen, that a like change will probably take place in England; as a Commutation is a favourite measure with some persons of weight and importance in that kingdom. This indeed we see proclaimed in News-papers, with a degree of triumph very ill placed. For if that be the case, it is evident, that the English Administration and Legislature are too wise to countenance such an innovation *there*. But were they to adopt it, and were it expedient *there*, even that example would be no authority for *this kingdom*; from the different

ferent situation of the two Churches. That of England is completely settled. That of Ireland is scarce half advanced to a settlement.—The Country in England is divided into parishes so small, that every district is accommodated with a Church, and a House for a resident Minister. The Country in Ireland is divided into parishes and Unions so extensive, that it is *physically* impossible for the Clergyman to perform his duty properly; and few of those parishes are furnished with Glebes, and still fewer with Houses; a defect which an impoverished Clergy can never supply.—The higher ranks of the Clergy in England are supported by the Lands belonging to ancient Chapters, or other religious establishments. The ecclesiastical Dignities in Ireland depend on Tithes.—In England, the legal rights of the Clergy, including Tithe of those articles which constitute the food of the poorest class, are not withheld by Mobs, by Associations against Law, by arbitrary Resolutions of one House of Parliament; In many parts of Ireland, particular kinds of tithes are already given up by the Clergy to the violence of the Populace, to illegal Combinations, to want of confidence in the Oaths of* Jurymen, and to the dread of displeasing the House of

* The reader will judge of the reasonableness of such want of confidence, by the following fact, which happened near forty years ago. The Minister of the parish of Donogh, in the Diocese of Clogher, sued in the Spiritual Court for the Tithe of Hay subtracted: a modus was pleaded, and a prohibition granted. The trial came by Record to the assizes of Monaghan. The Clergyman proved, by the Oaths of Oliver Anketel, Esq; a Member of Parliament, aged 74, and Robert Maxwell, Esq; in his 80th year, each of whom had a large quantity of Hay in the parish, that they had uniformly paid Tithes of Hay in kind, and that the same had been paid uniformly in the parish during their memory. Their testimony was corroborated by the evidence of a Mr. Soden (who had been tithe-farmer of that parish above forty years before the trial) that he had constantly agreed for the Tithe of Hay, as for the Tithe of Grain. This evidence was further supported

of Commons. In many parts of Ulster, Potatoes, the Food of the poor, are totally exempted (as above) from paying Tithes; and Flax, the material of their industry, is subject (very wisely and equitably to be sure!) to the payment of six-pence only, let the quantity be *great or small*. The landed Gentlemen grudge not to the Clergy the exclusive privilege of contributing to the relief, or employment of the Poor. But still they do not forget entirely; that the Clergy could spare somewhat even to *them*; for with the same Distributive Justice they fixed a rate (which they are pleased to stile a *Modus*) of 6d. for any quantity of Hay, *great or small*: By this happy expedient completeing the admirable plan for the Depopulation of the Kingdom, begun so hopefully by their Representatives in the vote on Agistment. —In England, Tithe in kind is given without murmuring; for in England, Property is considered as a thing sacred: and the landed Gentleman does not look with indifference on forcible invasions of it, though he allows his Tenant a comfortable maintenance. In Ireland, the Clergyman is reviled, even in the greatest Councils of the Nation, as an Extortioner, for asking half the value of his Tithe; and represented as an Oppressor of the Poor, because

by the testimony of other Credible witnesses.—The witnesses, adduced on the other side, were *vagrant beggars, who had no settled habitation*; who swore, that they knew nothing paid, but 6d. Hay and 6d. Flax. One of these witnesses, affecting deafness, made no answer to any question put to him by the Bench or the Council, but these words, *sixpence Hay and sixpence Flax*. Yet their testimony was admitted, and a Verdict found against the Clergyman. Lord Chief Justice Singleton, before whom the Cause was tried, was so astonished at the Verdict, that he repeatedly recommended to the Jury to reconsider it, which they refused. But he was so sensible of the infamy of it, that he refused to certify it to the Court, from whence the Record issued. Another judge afterwards, on a second trial with the same evidence, certified the Verdict. The neighbouring Clergy, intimidated by this decision, gave up the Tithe of Flax as well as Hay, notwithstanding the Tithe of Flax was not in question.

because he does not contribute more than half his tenth, to help the cottager to pay an exorbitant Rent for the other nine parts; no credit being allowed to him, for giving up his Tithe of all the Grass-lands, and several other articles, from love of peace, *not from ignorance of the legality of the demand.*—The Ascendency of the Established church, and the Protestant interest, is *secure* in England. Though there are Dissenters of many various denominations, yet their united number is trifling, compared to that of the members of the Established Church; and they are almost all *Protestants*. In Ireland, the Protestants are not one fourth of the people; the members of the Establishment, little more than an eighth. † The landed Gentleman in England has no reason to apprehend the growth of Popery; nor, should it prevail, has he the *same* motives to dread it, as the landed Gentleman in this Kingdom.—Let then the trial, if such an attempt is to be risked any where, be made in the Sister-kingdom; this country surely is not a proper scene for
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† Since the publication of the seventh Edition, the Author has seen an *Abstract of the number of Protestant and Popish families in the several counties and provinces of Ireland, taken from the Returns made by the Hearth-money Collectors in 1732 and 1733*; by which it appears that the proportion of the number of Protestant to that of Popish families was in those years as three to eight, that of the Members of the Established Church to that of Dissenters of all kinds, as eleven to ten. As the proportion of the number of the Members of the Established Church is doubtless considerably increased in the course of fifty-four years, *it must be far more favourable than what is mentioned in the text.* This opinion is strongly confirmed by that of the Author of *Hibernia Dominicana*, who (pages 28 and 29) complains of the increase of the number of Hereticks; states that on an actual enumeration in the year 1731, the Return made was, that in the whole kingdom there were 700,453 Protestants, and 1,309,768 Papists; and he reasons strongly that the proportionable number of the latter must have gone on decreasing still more rapidly to the time he wrote, (1762) in consequence of the disqualifying laws in 1735, and the establishment of the Charter-Schools. Of the latter he says, “*Cum priores leges corruerint singulim divites, ista vel ipsos pauperes turmatim illaqueat.*”—*A testimony of the most unequivocal kind in favour of that admirable institution!*—The Abstract mentioned in the beginning of this Note bears marks of accuracy, and is now re-printed by William Sleater, No. 28, Dame-street.

hazardous experiments on the Protestant interest, by checking the progress of the National Church. And yet I hope I may venture to prophesy, that little in comparison as England has to fear, her wisdom will prevent her from setting so dangerous an example; and that her Ministers are too wise, not to discourage such Innovations, as must ruin in *the Sister-Country* that Protestant interest, of which she is the Protectress, even in the remotest nations in Europe.

The last, and perhaps not the least injurious, consequence of a diminution of the Revenues of the Parochial Clergy, would be it's operation on the great Seminary of learning, from which this Kingdom derives so much credit and advantage. No ecclesiastical Benefice would hereafter tempt any of the *senior* Members of the College to retire; and the succession in consequence of their Resignation would be entirely stopped. † Thus the *greatest* inducement, because the only certain recompense, to literary efforts in this Kingdom, would be almost entirely withdrawn; and the number of learned men very considerably diminished. The Pupils themselves, three fourths of whom are destined for the Church, will become not only fewer; but being of an inferior station, would be less qualified from their School-Education to profit by the instruction of the Tutor, of less ability to recompense him for it, and by their poverty disabled to furnish themselves with the Books requisite for any considerable acquirements in learning. On the whole, this Seminary, founded for the support

† The proportion of Fellowships vacated by Resignation to those vacated by Death, is found to be as 10 to 1: And therefore the succession on the whole would be nearly stopped; as few Livings, after a considerable reduction of Tithes, would be an object even to a *junior* Fellow.

support of the Protestant Religion, will share it's decline and ruin. And as the entire province of Education is in the hands of the Clergy, any measure, which tends to diminish the learning of the Members of that Body, must in the same degree diminish the Literature of the whole Kingdom: A loss, which would be poorly recompensed by enabling the landed Gentleman to usurp the property of the Clergy, at the obvious risk of the whole of his just possessions, either by a change of Government or universal anarchy!

SECTION VII.

On the means of remedying the Defects in the Settlement of the Church of Ireland.

WHEN I stated, in a former Section, the Impediments, which obstruct the National Clergy in the discharge of their duty, I mentioned three principal ones; want of Churches, want of Glebes, and want of the universal use of the English Tongue. But as a mere knowledge of Grievances is of little avail, unless their Remedies can be likewise discovered; I shall, with the greatest deference, submit to the Publick judgment, such as have occurred to me, on a very mature consideration; hoping that their very Defects may be of some use, by inducing persons of greater penetration, and more extensive knowledge of the subject, to exert their abilities in supplying them.

From the Poverty of the bulk of the people,
the first Impediment can be removed only by the
Bounty

Bounty of Parliament. But if in addition to the Grant of a specifick Sum for the erection of *Churches* in *poor* Parishes, (that is, in Parishes where the Proprietors, as well as the Occupiers of the Lands, are not in Circumstances to contribute) there were likewise a vote of Credit, for a further indefinite Sum to be applied to the same purpose, in aid of Contributions, in such proportion as shall be thought proper; such a legal arrangement, becoming a matter of publick notoriety, might induce landed Gentlemen of large property, as well Absentees as Resident, to further this great object of Policy and Religion. It is no bad earnest of the probable effect of such a measure, that more than † 70 Churches have been built, (The whole number of grants of money for Churches amounting to 95) within the space of 20 Years, by the limited fund of the Board of First-fruits; though the degree of encouragement, given by them to contributors, is by no means so universally known, as the regulations of a Publick Law. Besides that such a Sanction of the Legislature, to this, as a great National object, would of course draw attention from those, who are so deeply interested by their Property in the national Welfare. And the alarm, occasioned in *every thinking man* by the present Disturbances, would naturally increase that attention.

In respect to *Glebes*, it were to be wished, that a further Parliamentary Bounty might be extended to Parishes under £60 *per ann.* on which Clergymen could not be expected to procure a Glebe, and to build, without some aid. If the same vote of Credit were likewise to include a Grant to the Incumbent of a Parish in that description, of the
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† It is evident, that this addition to the number of Churches must have increased the number of Clergymen; and of course diminished their average income.

Sum of £200, which would purchase ten Acres of good Land, or a proportionably greater number of inferiour quality, (provided he engaged and gave sufficient Security, within the space of two Years to erect a Glebe-house thereon) such an Encouragement would multiply considerably the Number of Clergymen resident on the smaller Benefices.—For the procurement of Glebes on Livings above that value, which could not reasonably expect Parliamentary Augmentation, the following measure is submitted; That a Law be enacted, empowering the Incumbent to exchange a portion of his Tithes for a quantity of Land not less than ten, or exceeding twenty Acres, with the consent of the Patron and the Bishop; such Incumbent likewise engaging, as above, within two Years after the completion of such exchange, to erect thereon a Manse. The reasonableness of obliging the Clergy, possessed of competent Benefices, to provide places of Residence, where it is practicable, and the impossibility of procuring Glebes, without a power of purchasing them with some part of their present income, obliges me to resort to this expedient. At the first glance, it may seem to clash with the opinion which I have delivered in a former Section, with regard to the general Commutation of Tithe for Land; but on a nearer view will, I flatter myself, be found not inconsistent with it; the Exchange, in the case proposed, being purely voluntary, and of small extent; and the Land in question, to remain in the constant occupation of the Incumbent, who must improve it for the accommodation of his own family.

The third Impediment mentioned, is the want of an universal use of the *English* Tongue. This
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is a matter of infinite moment; and in every point of view extremely to be regretted. The difference of Language is a bar of Separation between the Descendants of the Irish and English, which too much pains cannot be employed to remove. It obstructs Religion; it embarrasses Civil intercourse; it prevents cordial Union. The removal of it has accordingly engaged the attention of the Legislature, from the Æra of the Reformation to the present. But in this, as in many other instances, sufficient care has not been taken to change the regulations of Law, in conformity to the alteration of Circumstances; and the Act of the 28th of Henry 8th, which the subsequent Acts are intended to enforce, is in many Parishes of the Kingdom, and in those too where it is most wanted, totally impracticable. But I shall not enlarge on this subject, as it will probably be under the consideration of Parliament in the ensuing Session, (in consequence of the Resolutions of the House of Commons, with regard to Parish-Schools,) at which time such Amendments to the Act of Hen. 8. will be proposed, as were intended to have been brought forward by the Author in a separate Bill.

SECTION VIII.

On the Injury sustained by the Parochial Clergy in their Property; and the Means of reinstating them in their legal Rights.

AS these papers may fall into the hands of Readers, the Distance of whose situation has prevented them from knowing, with what a degree of Cunning, as well as Outrage, the late Insurgents have

have proceeded ; it will be necessary to state some leading Facts, by which they may be enabled to judge, in what manner, and to what extent, the legal Provision for the Clergy has been wrested from them ; and whether it may by any, and what regulations of Law, be effectually restored. And such a Statement is the more necessary, as many of the most alarming instances of Outrage have not been noticed by the Publick Prints. Those Publications have been employed to vilify and malign the Clergy, by representing them as the Causes of the whole mischief, and to extenuate and apologize for the excesses of the Insurgents, as if excited by Oppression from Tithes; rather than to call the attention of Fellow-citizens to protect a peaceable and helpless Class of men, despoiled by violence of their legal Rights, to rouse the Protestants to a just Indignation at the cruelty and indignities, with which many, and in that number, some of the most eminent and exemplary of their Pastors, were persecuted and driven from their Parishes by a Popish Mob ; and to warn them of the natural consequences of permitting the Populace to feel the strength of Numbers against Law. To form a just idea of the danger to the Publick, as well as the Clergy, from this Insurrection, it is necessary to point out the Difference between the present and former Disturbances on the score of Tithes.

The Oakboys in the North, in the Year 1763, were for a short time almost as violent, and overran several Counties like a Torrent ; but a severe check or two from the Army dispersed, and a few Capital punishments effectually quelled them. The Popular fury, not being stirred or afterwards kept up by designing men, had no Root, and soon died away. But the Present proceeding

ceeding is not a Paroxysm of frenzy, originating with ignorance and rash Peasants; but a dark and deep scheme, planned by men skilled in Law, and the artifices by which it may be evaded. These enemies to the Publick Peace and the Protestant Clergy (though nominal Protestants) suggested to the Farmers, to enter into a Combination under the sanction of an Oath, not to take their Tithes, or to assist any Clergyman in drawing them. And a form of Summons to the Clergy to draw, penned with legal accuracy, was printed at Cork, at the expense of a Gentleman of rank and fortune; and many thousand Copies of it circulated with diligence through the adjacent Counties of Limerick, Kerry, and Tipperary. In order to render these Oaths universal, the Whiteboys, sometimes in numerous bodies, sometimes by Delegates from such bodies, tender the Oath above mentioned (without any further threat, than that of taking a List of those, who did not swear) at the Romish Chapels, and Market-towns. At the same time, to avoid the appearance of intending to rob the Clergy of their whole Maintenance, they published, and the News-papers copied a Tithing-table; which however was never generally adopted by them, or adhered to by those who professed to adopt it. The rates proposed by their several parties varied in different Parishes, and in the same Parish at different times, diminishing as the terror of their numbers increased. In some Parishes they were followed by a Resolution, to admit no Composition for Tithe. It is worth remarking, as an evidence that the *Poor* were not the Authors of this disturbance, and that *their* relief was not the *real* object of it's promoters, that the Whiteboys did not aim to render *Potatoes* Tithe-free; but from the beginning insisted on annihilating the payment

payment of Tithe for *Hay*. But the most liberal Tithing-table, held forth by any one of their parties, would have reduced the income of the Clergy to such a level, as must have shut up a large proportion of the Churches in every part of the kingdom : In Connaught, would have left few remaining.

This Combination, as the contrivers of it well knew, was as effectual to deprive the Clergyman of almost his whole income, as *forcible* opposition ; and had Tithes been their *only object*, they had no motive to proceed further. But this did not content them. *They took the Arms out of the hands of Protestants, whom they could not suspect of employing them in defence of Tithes.* They levied Ammunition ; and money, for the express purpose of purchasing Ammunition, as well as providing for their support ; (though their earnestness to arm themselves cannot be accounted for by any *present* necessity of securing themselves, or any efforts *hitherto* made by them to oppose his Majesty's Troops). They proceeded to greater acts of violence : to force individuals who had taken Tithe, to swear to break through their agreements ; to menace and ill-treat persons who served Processes, or should appear at the Assizes to prove Contracts, for Tithes ; to commit savage acts of cruelty on the *Servants* of the Clergy ; † at last to attack *their persons* ; to force them to swear to give up their property ; and even to demand a surrender of old Tithe-notes, to prepare Graves for them ; and to threaten some with Tortures and Death. They intimidated Vestries from levying money

† They threatened to burn a part of the Town of Charleville, because it was the property of the Rector.

money for the Repair of Churches,* for the payment of the legal salary of the Officers attending the Church, or the purchase of Elements for the Holy Communion; nailed up one Church; bound themselves by Oath to burn another. They broke open Gaols; set fire to Hay and Corn; and even to Houses, especially those occupied by the Army; and at last had the audacity to threaten the Cities of Limerick and Cork, and the Town of Ennis, the Capital of Clare, with Famine; and to take measures for interrupting a supply of Provisions, by publick menaces to fishermen and farmers. They threatened to burn the Town of Newmarket in the Diocess of Cloyne, unless a Whiteboy confined there was released.—But the circumstance which appears to me most alarming (as it is the strongest evidence of System) is their having established a kind of Post-Office for communication, by which probably they are enabled to convene such publick Meetings, as their own Notices prove they actually hold.—In addition to these publick outrages, the silent mischief occasioned by them is of an extent that can scarcely be calculated; but I think I may venture to affirm, on the strength of my own Observation during the whole Summer, and of a very extensive Correspondence, I may say, through the whole County of Cork † (the Diocesses of Cork and Ross having been put under my care in some degree, by their worthy Bishop, during his Absence

* Since the first Edition of this Pamphlet, the Author has received more than one official account from Parishes in his Diocess, that the Inhabitants had refused payment of the Church-rates. In one they rescued the goods Distrained for the same by the Parish Officer; in another they threatened the Church-Warden (who is a Magistrate) that if he persevered in levying the rate, they would *hough his cattle, pull down his house, and destroy his whole family.*

† The County of Cork contains more than two-fifths of the Inhabitants of Munster, and more than a tenth part of the Inhabitants of the whole Kingdom.

Absence for the recovery of his health) that so general a terror of violence from the common people prevails, that few persons, if any, think it prudent to distrain for Rent,§ or to process for Debt. A like Report has been made to me by Gentlemen of the County of Kerry; and I have seen a Letter from a Magistrate in the County of Clare, which in addition to these Instances of the uncertainty of property, adds, that in his neighbourhood he thinks that the populace would not permit trespassing Cattle to be led to the Pound.*

—Into this state of savage Anarchy† they have
G reduced

§ One Gentleman made the attempt, but I have good information that a Notice was fixed up in the adjoining Town, forbidding any person to buy the goods; and the Agent was under a necessity of procuring a party of Soldiers to guard the Corn distrained.

* In the County of Waterford, Sir Richard Musgrave, Bart. (High Sheriff for the last year) a Gentleman of large property, of extensive and honourable connexions, and constantly resident in the County, was reduced to the necessity of inflicting the punishment of Whipping on a Whiteboy with his own hand, though he offered twenty Guineas to the lowest of the people, and though the executioner would have been under the protection of two Troops of Light Dragoons, and a Company of Foot. I knew this fact long since from common report, but would not insert it, till I had the account from the Gentleman himself, who impowers me to add, that when he was explaining to a party of the Whiteboys on a Sunday, at a Popish Chapel, the nature of the Proclamation in a conciliating manner, he was violently attacked, and nearly escaped being stoned to death.

† The term *Anarchy* was never more strictly applicable to the state of any Country; for the populace have not only lost all fear of the Magistrate, but have likewise shaken off that restraint, which might be expected to take place from the remonstrances of the Clergy of both persuasions. The authors of these disturbances by pointing out to the misguided mob, the Secular Roman Catholic Priests, as extortioners in common with the Established Clergy, have entirely done away that influence, which on other occasions, has been found *useful* in the prevention of outrages—It is but justice to bear that testimony to a *necessary* order of Ecclesiasticks; some of whom I have found to be men of worth, and ready to co-operate in any measure for the promotion of Charity and publick order. It must be obvious that the practice of extorting, and taking Oaths to infringe property and violate the laws, tends either to overturn Civil Society by the observation of them, or to dissolve the cement of it, by taking away all sense of the obligation of an Oath.

reduced the Province of Munster, and continue their nightly expeditions for their grand object, that of disarming the Protestants, and arming themselves, not only in that Province, but in that of Leinster, within 50 miles of the Capital. What were the motives, let the measures declare; What will be the effect on the Protestant Religion and Interest, and of course on the connexion of this kingdom with Great-Britain, unless the Legislature shall take a firm decided part, is too evident.

Now if the Whiteboys were to be considered as a mere riotous Mob, the experience of the Oakboy Insurrection proves, that the effects of their proceedings would be only temporary: The Laws now in being might be sufficient. The Northern Clergy found themselves in the complete enjoyment of the Tithes, usually paid in their several parishes, in the following year; and have remained so to this day. But the more dangerous scheme of silent combination will certainly require the interference of Parliament. This, being a species of attack on the legal rights of one class of the Subjects of this realm, hitherto unprecedented, constitutes a new Grievance; for which it cannot be doubted, that the justice of the Legislature will provide a suitable Remedy. What Regulation is fittest to be adopted for that purpose, I shall not have the presumption to suggest. That is the province of persons of profound knowledge and experience in the Law. But that some expedient may be devised to check such Combinations, is not to be doubted. Nor is the Principle, on which the Regulation should be made, difficult to discover. The Legislature have frequently interfered to protect Individuals from the persecution of Numbers, and no case of Combination ever came before them, so highly deserving

serving of their attention: None, in which the injuries were so unprovoked, the insolence so daring, the outrages so extensive and of so long continuance, the system so deep and full of publick danger of every kind, and the principal sufferers, I will not content myself with saying more inoffensive, but more respectable for their private characters, as well as venerable for their function. The Clergy, having no further wish than to be replaced in the situation, in which they stood before this new plan was devised to strip them of their legal rights, think they are entitled, as one class of his Majesty's Subjects, to look up to the Legislature for that Protection, which they are conscious they have never forfeited, either by want of Moderation in claiming their due, by a Factious conduct, or by the neglect of the Duties of their office.

P O S T S C R I P T.

SINCE this Pamphlet was sent to the Press, *a Letter addressed to the Publick on the Subject of Tithes*, intended as an answer to Theophilus, has appeared in print. As far as this Publication attacks the Reasoning of that able writer, I should deem it Presumption in me to come forward in his defence. But as his Antagonist controverts some Facts, which it is in my power to support with unquestionable Authorities; I am called on by common justice to produce my testimony: the vouchers of which are not vague reports, but Original documents, or Copies of such Documents ready to be attested on Oath, or Affidavits of most respectable men.

The Letter-writer says (p. 8.) “ I believe there
 “ are but *two* instances of any *personal attack* on
 “ Clergymen. The one indeed was treated in a
 “ very inhuman and savage manner, without
 “ the least cause that I have heard; but the other
 “ made himself obnoxious, by officiating otherwise
 “ than as a Clergyman; so that, on the whole, I
 “ see no reason for the alarm given by Theophilus,
 “ where he insinuates, that the Clergy labour
 “ under the continual apprehension of being put
 “ to the cruellest tortures, or massacred by a savage
 “ Banditti in the Day, or burned in their Beds
 “ at Night by nocturnal incendiaries.”* I hope it
 will not be thought a deviation from that Civility,
 to which this writer is so justly entitled by his own
 Moderation, to say, that he seems not to have
 taken the means of procuring that “ accurate
 “ information,” for the *supposed* want of which
 he reproaches Theophilus.

I take it for granted, from his professed candour,
 that he must consider a Threat to take away a man’s
 Life or burn his House, if he does not give up his
 Property, as (virtually) a personal attack— If so, my
 Diocese alone would have furnished him with nu-
 merous instances of personal attacks on Clergymen.
 One (a Dignitary in my Cathedral) was forced to
 come out of his house at midnight, by a band of 150
 Russians,

* By his description of the cases, I conceive he alludes to two
 Clergymen in the Diocese of Cashel: one of whom was taken out of
 his bed, carried away naked, and treated as he describes; but if in
 the second he alludes to a Clergyman, who in consequence of his
 having done his duty as a Magistrate, was some time after attacked
 by assassins, and providentially escaped by their Pieces missing
 fire; the Letter-writer has not been fully informed of *his* case;
 for the same gentleman had been before violently assaulted by the
 Whiteboys, had some of his ribs broken, was obliged to take
 refuge in his church (where he was confined a whole night) at a
 time when he was acting as a *Parish-minister* in the management
 of his Tithe, in the very manner prescribed by the Whiteboys;
 that is, without the Assistance of a Proctor.

Russians, to swear that he would give up his legal rights; a Gun being pointed close to his head whilst the Oath was tendered, and a Horse produced with a Saddle full of Spikes, on which he was to be mounted if he refused to swear; A second was menaced (with dreadful imprecations) that he should meet a *most horrible reception*, if he did not obey their Laws more punctually, though he by a publick Notice had declared Submission: A Third (with like imprecations) that he should be treated *inhumanly* and *barborously*: A Fourth, that he should be severely punished, if he *dared* to officiate: A Fifth, if he did not discontinue a suit at law: and a Sixth, that his house should be burnt: A Seventh had his house (in the Town of Mallow) broken open at midnight, and his bed-chamber entered by a number of armed men, who forced him to give up his horses for their use: An Eighth narrowly escaped a visit from 300 men, having just before their arrival quitted the house, where he usually resided: A Ninth had his house surrounded in the dead of night by a hundred men for several hours, who endeavoured to force his gates; that terror nearly occasioned the death of his Daughter, who was brought-to-bed the night before, [a fact which the assailants, who were his near neighbours, must have known] and by his anxiety for her, impaired the health of the Father. Tho' he sent word to the insurgents, that he would give up the whole of his Tithes, rather than indanger the life of his Child, they did not forbear their visits; but repeated them, with the addition of shocking cruelty to a poor Labourer employed by him, whom they took naked out of his bed, brought to the gate of this Clergyman, and whipped severely there; requiring him at every stroke to cry out to his Master; though they knew the cries would be heard by his Daughter, who was still consient to her

her bed : A Tenth received a written message from the Whiteboys, declaring with their usual imprecations, that if he intended *such villainy*, as to set Tithe at the old rates, *they had prepared a pitched shirt for him, in which they would set him on fire*: The Eleventh (a Gentleman still more respectable for his character, than his *very advanced* age) after 44 years residence in his parish, where he had been a constant Benefactor to the Poor, received repeated messages, that his barn (a thatched building contiguous to his house) should be burnt, and he taken out of his bed : and a spectacle was exhibited, which would have disgraced the most uncivilized Country, of the dwelling of a man so venerable, protected for a length of time by a military guard. † A band of 300 Whiteboys advanced within a mile of his house, on the first night appointed for the attack of it ; but turned back, on hearing that it was guarded by soldiers. This outrage happened within thirteen miles of Cork, on the very day that Lord Luttrell left that City, on his progress to Kerry.

In the Diocesses of Cork and Ross, two Clergymen, resident on their respective Glebes, were attacked by numerous bodies of Whiteboys, and compelled to swear, that they would conform to their rules. Two others were obliged to retain Military Guards for a considerable length of time in their houses ; one of whom had five of his horses cropped, from spite that his House was secure. The houses of both those gentlemen were visited by the insurgents. A Fifth may be said to have narrowly escaped a personal attack ; for another

† As a proof that these dangers to the Clergy still continue, this Gentleman is at this day [December 19th] and has been for a fortnight past, obliged a second time to procure a Serjeant's Guard for his protection. By a letter dated the 15th of February he informs me, that he still thinks it necessary to retain the Guard.

another gentleman, who was mistaken for him, was knocked off his Horse, and very severely beaten; and but for a timely discovery of the mistake, by the assailants' mentioning the name of the Clergyman, would probably have been killed.—Many of the Clergy of those Dioceses received threatening messages and letters: In consequence of which menaces, two of them took refuge in Cork. * A Clergyman, now resident in Cork, a fortnight since received a Whiteboy message, that his ears should be cropped, and his tongue cut out of his mouth.—On the whole, all the Clergy in the extensive County of Cork (of whom only I speak with the support of Authentic proofs) whose places of residence were in the Country, were under continual alarm, and obliged to arm themselves in the best manner they could; and had they not yielded to the violence of the insurgents, I am persuaded, would have been personally ill treated; perhaps buried in those Graves, which were in many places dug (professedly) for their reception.—After this detail, let the reader judge, who of the two has the most “ac-
“curate information” of Facts; the author of the Address, whose zeal for the preservation of the Protestant Religion is entitled to the warmest gratitude from every friend of it, whether Lay or Clerical; or the Gentleman who impeaches him for the want of Information.

The Letter-writer reproaches *Theophilus* severely (and I know not by what right, certainly not from the rules of † *Equity or Moderation*, gives at least as
large

* Of this last fact I have no other voucher, than a printed paper transmitted to me by a dignified Clergyman in the Diocese of Cork but I am convinced of the truth of it.

† See Appendix I.

large a share of reproach to the *Ecclesiastical Courts*, which he stiles, with an oblique sneer hardly worthy of himself, the *Court-Christian*) for calling these lawless People, a "Popish Banditti, "spirited up by agitating Friars and Romish "Missionaries, sent hither on purpose to sow Sedition." His Terms, as well as Reasoning, I shall leave to *Theophilus* to defend; (observing only, that a strong conviction of the truth, and apprehensions for the safety, of *Religion*, will naturally excite a Warmth, from which Indifference is a sure exemption) and I leave it likewise to him, to make good the assertion, that agitating Friars and Romish Missionaries have been *sent hither for the purpose of sowing sedition*. But I cannot help thinking the Letter-writer goes far, in *asserting* that *no such Friars or Missionaries have been found* in this Country; that is, that neither *Theophilus*, or any other person, has discovered any such. It is nearly impossible for any man to prove such a Negative proposition to *his own* satisfaction; and I am sure so *bold* an assertion will have little authority with *any other* man. But though I do not know on what Authority *Theophilus* speaks, I can very well conceive, that he may think the letters of Mr. O'Leary *calculated* to sow sedition. I do not say, that the reverend author *intends*, much less that he is *sent hither on purpose*, but in my poor opinion (which has however the sanction of every rational man, with whom I have conversed on the subject) his publications tend (and if such *were* his design, are *most artfully contrived*) to produce that effect.—Let the Letter-writer and the Publick judge from his general Positions: I shall give them in his own words. Addressing himself to the Insurgents, whom he conceives to be of his own Religious Persuasion, at that time assembled in numerous

rous armed bodies, for the avowed purpose of robbing the Established Clergy of their rights, he says, "You will tell me, your Grievances are the cause: I doubt it not, my Brethren"—"I know you are oppressed and impoverished more than any set of the lower classes of people upon earth."—"Your Protestant fellow-subjects, *less oppressed than you are*, have fought a better situation in remote Countries."—"Far be it from me, to oppose the Redress of your Grievances."—"These disturbances originated in the dues of the Clergy"†—"I would rather pay my Tithes, let them be ever so oppressive, than put my neck in the Halter, by violating the Laws of the Realm, let them be ever so severe:" alluding to the *Whiteboy Act*, which he thinks it expedient to tell the *Whiteboys* will be in Force till next June; and he quotes the Authority of Young (in his Tour thro' Ireland) that "the Clauses of it are better calculated for the Meridian of Barbary, than

† These words are exactly copied from those contained in his Address to the *Whiteboys* (printed in Dublin by Cooney, and revised and corrected by himself) p. 25, l. 15.—In a subsequent Address to the Nobility and Gentry of Ireland he charges me with want of Candour in imputing to him these words, "These *oppressions* originated in the dues of the Clergy," and thus by misquoting me, endeavours to fix on me the charge of misquoting him. *Note to the ninth Edition.* But Mr. O'Leary has since gone still further; for in his Defence p. 77 speaking of me, he says "In order to expose me [meaning himself] to the detestation of the Clergy of the established Religion, he attributes the following words to me: *These disturbances originated in the dues of the Clergy.* I never wrote nor made use of such words. I am sorry that the Bishop of Cloyne has put it in my power to answer the charge with a flat contradiction." One would naturally conceive that Cooney, the Printer, had interpolated the passage, and that he had used no such words; but that in his republication of that very Address with his Defence, he has reprinted this very expression, which he had so boldly disavowed P. 158. l. 11. "I am confident, that many of you have been misled by your ignorance of the Laws, and that AS THESE DISTURBANCES ORIGINATED IN THE DUES OF THE CLERGY, you did not foresee the Consequences to yourselves." I leave to the Reader to make his own remarks.

"than for a Christian country." He calls a
notice posted on the Chapels, cautioning the
 people, not to pay more than certain rates (*not*
a fourth part of the real value) for Tithes "a new
 "Plan, which however *moderate*, and though
 "certainly founded on your Poverty on one
 "hand, and the Oppressive manner of collecting
 "Tithes on the other, is yet improper." He
 subjoins to his quotation from Young, "The
 "severer these Clauses are, the more you should
 "be on your Guard. Consider the danger to
 "which you are exposed from the Logick and
 "Eloquence of Crown-Lawyers, the Perjuries of
 "Witnesses, and the Prejudices of Juries. I am
 "informed that the one, who is to swear against
 "some of you, who are in Gaol, is one of the
 "greatest Villains in the kingdom, and escaped
 "the Gallows some years ago." After his having
 pointed out so strongly and eloquently to the
 Insurgents the extent of their grievances, and ex-
 pressed his Sympathy with their distress and *un-*
exampled misery, which he imputes *solely* to the
 persons employed by the Established Clergy, for
 he mentions *no other cause*; After his expatiating
 on the severity of the Laws, *as not being fit for a*
Christian country, and warning them that they
 could not expect a *fair* Execution, even of those
Cruel ordinances, from the Law-officers of the
 Crown, the Witnesses, or Jury; I think one may
 say with justice of *his Address to the common people*
of Ireland, particularly to such of them as are called
Whiteboys, (printed in Dublin in 1786, and re-
 vised and corrected by *himself*,) that it is calcu-
 lated to raise discontent and indignation in the
 Roman Catholick Peasantry, against the National
 Clergy, the Legislature, the Executive power, and
 their

their Protestant fellow-subjects.* He recommends to them however, to consider that "the way of "the Cross, is the road to the Crown," to prevail on their Landlords, "whose interest it is, not to "have a wretched and beggarly Tenantry," to present their memorial "of their Grievances" (*which of course could not relate to Rents*) "to their "friends in Parliament, who will listen to the "Grievances of the Subject.

In his third Letter to the Whiteboys, particularly those of the County of Cork, written after the insurgents had proceeded to regulate Wages and Hearth-money, to control Magistrates, and to deprive Landlords of their Rents, he represents the Harm, that would arise to them from such proceedings; and says, "As to your causes of "Complaint from Proctors and Tithe-farmers, "instead of waiting for the Relief, which the "Wisdom and Humanity of the Parliament may "in time and place suggest, you have" &c. "Could you be so devoid of common sense, as to "imagine that such a conduct was the best "method of deserving the attention and compassion "of your Rulers?" To take off however the unfavourable impression, which Government might receive from these Outrages, and to shew his good opinion of the original Whiteboys, who attack Tithes, he suggests an idea very singular indeed. "If "this Message (says he) be really an act of your "meeting, some artful Incendiary, capable of working upon your Intellects stupified by watching and "intoxication, has crept in among you, EITHER "TO CAUSE SOME CONFUSION IN THE "STATE, from Motives best known, if not to "himself,

* It is not entirely superfluous to observe, how much such an impeachment of the character of a Witness, *by a Man out of Court, and not sworn*, was calculated to give an unfair prejudice to the Juries, in Favour of the Whiteboys, who were then in Gaol.

“ himself, certainly to his EMPLOYER ; or from
 “ an expectation of obtaining a Reward for swear-
 “ ing away your Lives at the next Assizes.”——
 “ It is most likely, that some one, who would not
 “ much scruple to tell a Lie at the expense of your
 “ Lives, has written the Letter, or posted up the
 “ Notice.” Of what Class of men, *or of what*
Persuasion, this supposed Miscreant could be, so
 much worse than men “ who had served a
 “ Twelve-months’ Apprenticeship to Licentious-
 “ ness,” he leaves the Reader to conjecture. He
 says that a Great person “ is in possession of
 “ whatever is to be laid before the Senate, who
 “ will listen to the complaints of the Subjects ;”
 “ —and whose Decision you should wait for with
 “ the Submission becoming Subjects:—therefore
 “ throw yourselves on the Mercy of your Rulers ;
 “ and do not force them to forget, in the magni-
 “ tude of your Offences, whatever may be the
 “ cause of your Complaints.”

As he has by this last Letter raised so high their
 expectations of a publick Redress of those Grievan-
 ces, which he had painted in such lively colours in
 the former, let him suppose this matter agitated,
 as he wishes, in both Houses of Parliament. If on
 a fair and full discussion of the state of Munster,
 the determination of the Legislature should be, to
 support the Established Church, as part of the
 Constitution;—and to continue to the Clergy the
 same power of employing such Stewards, Agents,
 or Proctors (for the terms are synonymous) in the
 management of their property, as other men pos-
 sess ; [especially as those Servants have been proved
 above * to be indispensably necessary to ascertain
 their Rights in a Court of Justice] or even to
 allow the Clergy the power of demising the tenth
 part

* See Page 44.

part of the produce, as the Landlord does the soil, to a Farmer;—that is, (in other words,) that Ecclesiasticks, supposed to be a class of men the least proper to be immersed in Secular affairs, and at the same time possessed of the most troublesome species of property, should have at least the same allowance to employ Servants, as the Laity have: To what then will these Lectures of Mr. O'Leary tend?—To tell the Insurgents, whose present violence borders upon (if it be not actually) High-Treason, that tho' he *knows*, that they are *more oppressed, than any set of beings in the world*; tho' he is convinced they had a right to expect Redress from the *Humanity* of the Legislature (to whom, from a sympathy with their sufferings, he urged them to apply) *yet the Legislature shew no compassion for them: they must remain in their Misery*:—"they have no Remedy, but that Patience, which softens the Afflictions of sufferers."—Is this Doctrine calculated to secure the publick Peace? Does it not rather tend to *sow Sedition*? or at least to let loose the Whiteboys on the Clergy, as their *sole* oppressors; as if neither high Rents or low Wages contributed to their Poverty? Is this *fair* treatment of the Clergy? Can Mr. O'Leary *dare to avow*, that he thinks the Tithes of the Clergy the *sole* cause of the Poverty of the Peasantry? He *cannot*: and yet he points them out to the Insurgents as *such*. I am sensible, he utters Panegyrics on some Clergymen: So did Mark Antony on Brutus and his confederates. † Shakespeare knew all the avenues to the human heart: And Mr. O'Leary seems not to be ignorant of them. Though I would wish to hope the *intentions* are different, yet the *effects* are too likely to be the same.—I will beg leave to ask him a Question. If there were an
insurrection

† Shakespeare's Julius Caesar.

insurrection of Protestants in Bohemia, for the purpose of robbing the Established Roman Catholic Clergy, (and there might have been Protestants enough, if the perfidious cruelty of the late Empress Queen* had not nearly rooted them out!) and a Protestant Clergyman had written two publick Addresses to the Insurgents, setting forth the oppression they had suffered from the *dues* of the Clergy, and suggesting to them, that they had a right to expect a Change in the arrangement of the Ecclesiastical Revenues, from the *Humanity* of the present Emperor; What does he imagine, that great and *tolerating* Prince would think of a Subject, who made *such* a use of his toleration?

Mr. O'Leary's Invitation of the Whiteboys to hear him preach in a Protestant Church against their taking that Church by force, [and he might have added, burning a new one,] if carried into execution, (however good his intentions might be in the proposal) would have afforded a Picture rather too humiliating of the state of the Church and Government of Ireland. I have no doubt that the Church may rely on the Wisdom of that Government, and is not yet so far reduced, as to be supported

“ *Tali auxilio, et defensoribus istis.*”

 The very great Haste with which this Postscript was drawn up, must account for my not taking notice of many other passages in Mr. O'Leary's letters, which I think liable to great exception; as well as for any inaccuracies of stile.

APPENDIX

* By transplanting them to Hungary, with a solemn promise of providing Settlements and Churches for them in that kingdom; which was not performed.

APPENDIX I.

A Learned friend has favoured me with the following observations on the Proceedings in ecclesiastical Courts. † The Author of a letter to *Theophilus* on the subject of Tithes, where he professes to examine the *Equity and Moderation* of the Laws now in force, respecting Suits brought for the recovery of them, asks, I. “Is it consistent or equitable, that a Court should exist, where a *single* Judge, not possessing *perhaps* the Qualifications (there mentioned) shall decide in Tithe-Causes to any amount; and if the sum does not exceed twenty pounds, the Decree of that Judge shall be conclusive Evidence of the sum due, on bringing a Civil Bill to enforce the payment?” The Author here has *suppressed* a very important matter; he has not told his Readers, that the Party aggrieved by any Sentence of an Ecclesiastical Court may *appeal* from that sentence, that such appeal is specially saved to the Party by the Tithe Laws, and that such appeal will be *finally* heard and determined by Judges Delegates appointed by Commission out of the Court of Chancery; and that some of the Judges of the Land are always appointed Judges Delegates.—And therefore it is a sufficient Answer to the Question of the Author of this pretended Discussion,

† Page 99.

Discussion, that if the sentence of this *single Judge* is *not acquiesced in*, as a just and equitable sentence, it never can be given in evidence, on bringing a Civil Bill to enforce the payment of the sum decreed: and that if it be a just and equitable sentence, it is Consistent and Equitable, that it should be Conclusive Evidence, on the bringing of such Civil Bill: And that the party ought not to be permitted again to litigate, at the hearing of the Civil Bill, a demand, against which he has been already admitted to make a full defence, and he has already admitted the Justice of the decision of the Judge, who has tried the Merits of the Cause on full Evidence; because such Proceedings would be contrary to all Law, and would encourage an infinity of Litigation.

II. The Author of the pretended *Discussion* then states, or rather insinuates, that “the Ecclesiastical Judges are often *interested* in the Causes they decide, and that such conduct in Judges is attachable by the Court of King’s Bench.” The Answer to this Insinuation, is an absolute *Denial* to the Truth of it; for no Vicar General in this Kingdom ever did attempt to decide any Cause, in which he was interested.—The Author perhaps means to insinuate, that as some Vicars General in this Kingdom are Clergymen, and hold Benefices in the Diocesses of which they are Vicars General, they are therefore interested in *all* Tithe-Causes, which are instituted in their respective Courts by any Incumbents within their respective Diocesses; because the support of the Right and Title of the Clergy to Tithes, is the Common Cause of all Beneficed Clergymen.—The Answer to this is, that such Objection is too extensive, and will equally lie against all the Judges of the Land, in *all* Causes

Causes which come before them between Landlords and Tenants: because every one of these Judges are themselves Landlords, and have Tenants; and it may with equal Justice be alledged, that the support of the Right and Title of Landlords to their Rents, is the Common Cause of all Landlords.

III. The Author then goes on, and states that “it is vexatious, oppressive, and expensive, for a poor *Cottager* (omitting wealthy Farmers, and Gentlemen of Landed Property) to be obliged to go from one Extremity of a County to another, to an Ecclesiastical Court, for not submitting to every demand of a Proctor.” See now how *fairly* the Author states this Case; he takes care to mention none but *poor Cottagers*, who will be subject to his supposed Inconvenience; thereby endeavouring to persuade his Reader, that as the going from one Extremity of a County to another, must be a great and a manifest Inconvenience to a *poor Cottager*, that therefore it is a great and manifest Inconvenience to *all* Persons. This is the old Sophistical method of argument, from Particulars to Generals.—But however it is easy to shew, that neither *poor Cottager*, nor rich Farmer, nor Gentleman, can be made subject to such Inconvenience, but from their own Default or Injustice: And next, that such Inconvenience is as great, (and much more grievous, because unmerited) on the Proctor and Incumbent.—For as well the poor Cottager, as rich Farmer, and Gentleman, may save themselves the trouble and inconvenience of such a journey, by making Compositions for their respective Tithes with the Incumbent or Proctor; and if either the Incumbent or Proctor should demand an unreasonable sum by way of Composition, the Cottagers, Farmers, and Gentlemen, have it in their option, to give the

H
Incumbent

Incumbent or Proctor the tenth part of the crop in Kind, and thus save themselves the trouble of a Journey; which they cannot be obliged to perform, except through their own fraud and injustice, in *subtracting* the Tithe from the Incumbent or his Proctor.—And the consequence of such their fraud and injustice falls as heavy at least on the Incumbent or his Proctor, as on themselves; because on such occasions the Incumbent or his Proctor, and his Witnesses, are obliged to perform as long a journey, as the Cottager, Farmer, or Gentleman; And that too, not in consequence of any default in themselves, but merely on account of the fraud and injustice of the Cottager, Farmer, or Gentleman.

This complaint of the *length* of the journey, which the Cottager, Farmer, or Gentleman, is obliged to take on account of *his own* fraud or injustice, is the *more* absurd; when it is considered, that they are obliged to take as long journies at least, on all occasions when they are obliged to apply to the Laws for Relief, or when they are called upon to attend a Court of Justice, in order to defend themselves from claims made on them by others; because the Town in each County, where the Assizes and Quarter Sessions are held, is at least as far distant from the respective habitations of the inhabitants of a County, as the Town in which the Bishop's Court is held.—And neither Cottager, Farmer, or Gentleman, can be obliged to attend a Bishop's Court, more than *once* in a year, on the score of Tithes, as the Law now stands: whereas they may be obliged, many times in a year, in proportion to their own litigiousness, fraud and injustice, to attend the Assizes or Sessions.

IV. The

IV. The Author of the pretended Discussion, by Hints and Innuendos in direct contradiction to Fact, endeavours to persuade his Readers, that the method of suing for Tithes in Ecclesiastical Courts, is very *expensive* to the parties sued.

“ *He hints a fault, and hesitates dislike,*”—but he dares not to assert openly, that such proceedings in Ecclesiastical Courts are expensive to the parties sued, because he would then, by the bare recital of the Tithe-Laws, be convicted of direct Falshood. Let us compare the practice of the Temporal and Ecclesiastical Laws together, on the head of Expense.

By the Tithe-Act of the 7th of his present Majesty, no Costs can be given against a party in a Tithe Cause, greater than one Pound six Shillings and eight Pence; And the Extra-Costs to the persons employed by a party sued in the Ecclesiastical Court, on the score of Tithes, do not usually amount to a Guinea, and may perhaps not amount to a Shilling.

The Costs in any Action at Law, tried in any of his Majesty's Courts in Dublin, for the recovery of any sum *whatsoever*, amount to twenty Guineas at least, to each party, the Plaintiff as well as Defendant: and if tried at an Assizes Town, to thirty Guineas each at least.

If a man be sued for Substraction of *Tithes* by Bill in the Court of Exchequer, and a Decree obtained against him, the Costs alone, which he incurs, will amount to two or three hundred Pounds.—For the truth of the above Positions,

let the Author of the pretended *Discussion* apply to any practising Attorney in the Four-Courts.

Let the Reader now judge, with what justice the professed Friend to Equity and Moderation, this *accurate and rapid Discussor* of the Propositions and Plan of *Theophilus* exclaims at the End of his Pamphlet,

“ From such Equity and Moderation, free from
 “ Vexation, Oppression and Expense,
 “ Good Lord, deliver me !”

APPENDIX II.*

Vide, Supplementum Hiberniæ Dominicanæ P. 925.

EXCELLENTISSIMUS et Reverendissimus Dominus, *Nuntius Apostolicus Bruxellensis, Thomas-Maria Ghilini, Archiepiscopus Rhodiensis*, Nobilitate Doctrinâ et Pietate conspicuus, *Litteras dedit verè aureas, Cedroque dignas, ad Quatuor Hiberniæ Metropolitanos.* Earum porro Tenor ad Archipræsulem *Dubliniensem* est hujusmodi.

“ Illustrissime et Reverendissime Domine,

“ Officii mei Debitum erga bonos Catholicos
 “ istius Regni Me cogit, urgetque, ut excitem
 “ Illustrissimæ Dominationis vestræ Zelum, quo
 “ infimul obviam ire studeamus gravissimo incom-
 “ modo, quod parari significatum Mihi fuit, atque
 “ in parte etiam Executioni mandari, in spirituale
 “ Damnum istius miseræ copiosissimæ Christianæ
 “ Gentis. Testes omni Fide dignissimi retulêrunt
 “ Mihi, ab homine Hæretico conceptam, &
 “ ejusdem Hæretici manu conscriptam quandam
 “ Formulam Juramenti fuisse, (cujus exemplar
 “ hisce † accludo,) atque Catholicis sub eo blando
 “ prætextu oblatam, ut si tale Juramentum Guber-
 “ nio præstare non abnuant, rationabiliter sperare
 “ possint, fore ut ab eodem Gubernio revocentur
 “ aboleanturque Leges illæ Pœnales, sub quibus â
 “ tam longo tempore ingemiscunt. Additum de-
 “ inde

† See Page 35, and Note P. 128.

APPENDIX II.*

THE Most Excellent and Most Reverend Lord,
Apostolical Nuntio at Brussels, Thomas-Maria Ghilini, Archbishop of Rhodes, of distinguished nobility, learning and piety, sent *truly precious Letters, worthy to be preserved with Cedar juice, to the four Metropolitan Prelates of Ireland*. The purport of that addressed to the Archbishop of Dublin is as follows.

“ Most Illustrious and Most Reverend Lord,

“ My official Duty towards the good Catholics of the Kingdom of Ireland compels, and urges me to excite your Most Illustrious Lordship’s zeal, in order that we may conjointly study to counteract a most grievous mischief, which, as I have been informed, is prepared, and even partly carried into execution, to the spiritual detriment of that wretched, though very numerous, Christian nation. I have been assured by Witnesses of the highest credit, that a certain form of Oath has been conceived by a Heretick, and drawn up by that same Heretick’s hand, (a Copy of which I inclose*) and that it is held out for the acceptance of Catholics, under this insinuating pretext, that if they refuse not to take such an Oath to Government, they may reasonably expect, that Government will repeal and abrogate those penal Laws, under which they so long groan. And I have been

* See Page 35, and Note P. 129.

“ inde Mihi fuit, nonnullos cùm Laicos, tum
 “ Ecclesiasticos, Episcopos etiam jam illud præ-
 “ tare tam imprudenter non erubuisse, aliosque
 “ præterea paratos fore ad illud præstandum; ut ve-
 “ rendum Mihi sit, ne talis ac tanta Inordinatio
 “ brevè ita dilatetur, ut ferè Communis sit evasura.

“ Si Regimen hanc perniciosissimam invexisset
 “ Novitatem, exigeretque hujus novi juramenti
 “ præstationem, comminando Catholicismi Exter-
 “ minium, quatenus ipsi non præstarent; quanquam
 “ nullus foret Catholicus Excusatione dignus, qui
 “ tam irrationabili cederet Violentiæ, saltem tamen
 “ minùs indigni Commiseratione ii forent, qui ad
 “ avertendum Periculum se flecti paterentur. Ve-
 “ rùm quòd Catholici, qui longo jam tempore pati
 “ consueverant, summâ cum Edificatione eximi-
 “ âque Constantiâ, Leges Pœnales vigentes, utique
 “ severas, sed non contrarias professioni et Exer-
 “ citio Catholicæ Religionis, et toleratas ab ipsis
 “ usque huc cum incredibili Animi Submissione,
 “ nunc sponte sese offerant, id suadente ac fugge-
 “ rente homine è Pseudo-reformatorum grege,
 “ conficere Actum publicum, qualis iste est, multis
 “ capitibus summè reprehensibilem; is foret Ex-
 “ cessus omnium maximus, et adeo intolerabilis
 “ et scandalosus, ut Sancta Sedes, Custos inte-
 “ gritatis nostræ Religionis, nullatenùs eum posset
 “ dissimulare, quin potius gravi ac publicâ Censurâ
 “ constringere cogeretur.

“ Pluribus rationibus vituperabile est, et in-
 “ dignum Præsulibus Catholicis, novum juramen-
 “ tum; sed et prorsus intolerabile, si spectetur illa
 “ *Protestatio*, quam habet adnexam, videlicet—*Abo-*
 “ *minationis,*

been further informed, that already some of the Laity, and Ecclesiasticks, and even of the Bishops have not been ashamed so imprudently to take it, and also, that others are preparing to take it; infomuch that I am apprehensive, a Misregulation of such a critical and important nature, may in a short time spread so widely, as almost to become General.

“ If Administration indeed had introduced this most pernicious novelty, and required the taking of this new Oath under a Threat of exterminating Catholicism, provided it were not taken; although no Catholick would be excusable, who should give way to such unreasonable Violence, yet such persons would be less unworthy of compassion, as yielded in order to avoid the Danger. But that Catholicks who, during such a length of time, have been accustomed, with the highest edification and exemplary constancy, to submit to the Penal Laws in force, severe indeed, but not contrary to the profession and exercise of the Catholick Religion, and hitherto borne by them with incredible submission, should now voluntarily offer themselves, by the persuasion and instigation of one of the herd of False-Reformists, and execute a public act of this nature, which is most highly reprehensible upon many accounts; would surely of all enormities be the greatest, and so intolerable and scandalous, that the Holy See, the guardian of the purity of our religion, could in no wise overlook it, but would rather be compelled to correct it by a severe and public censure.

“ This new *Oath* is reprehensible upon many accounts, and unworthy of Catholick Prelates; but it is absolutely *intolerable*, if we consider the *Declaration* thereunto annexed, namely,—that of
abominating,

“ *minationis, ac Detestationis ex corde ejus Doctrinæ,*
 “ *quæ veluti abominanda, ac perniciofa declaratur.—*

“ Notum esse debet Eruditioni suæ, *Doctrinam*
 “ *hanc, quæ detestabilis asseritur in hoc juramento,*
 “ *eam defendi et propugnari à plerisque Nationibus*
 “ *Catholicis, eandemque in Praxi pluries secutam fuisse*
 “ *Apostolicam Sedem.* Quapropter nequaquam ea
 “ potest, uti detestabilis ac abominanda à viro
 “ Catholico declarari, quin talis Assertio notam in-
 “ currat propositionis temerariæ, falsæ, scanda-
 “ losæ, et Sanctæ Sedi injuriosæ. Præterea se Sa-
 “ *cramentó* adstringi, prout nova præscribit Formu-
 “ la, semper futurum fidum, ac *fidelem suæ Majesta-*
 “ *ti,* idque postea explicatur, juramentó affirmare
 “ *juxta Sensem—per leges Hibernicas intentum,*
 “ valde est Mihi dubitandum; quod quemadmodum
 “ *Leges Angliæ et Hiberniæ recognoscunt Regem,*
 “ *uti Caput Ecclesiæ, et Fontem ejus spiritualis Auc-*
 “ *toritatis;* ita qui præstat tale juramentum, pro-
 “ mittitque suæ Majestati fidelitatem juxta præ-
 “ scriptum Hiberniæ legum, possit et *ipse* recog-
 “ noscere Regem, uti caput Ecclesiæ, et fontem
 “ ejus spiritualis auctoritatis. Si forte hæc esset, aut
 “ esse posset talium verborum intelligentia, Do-
 “ minatio vestra Illustrissima, et quilibet alius ex
 “ ipsis Catholicis animadvertere debet, hunc esse
 “ Errorum manifestum; ac directè contrarium
 “ principiis Religionis Catholicæ, quæ unicum ag-
 “ noscit *caput, et Fontem totius Spiritualis Auctori-*
 “ *tis, Romanum nempe Pontificem.* Atque hinc ap-
 “ paret, quantum etiam ex hoc capite culpabile
 “ foret atque detestandum tale juramentum, quo-
 “ niam DEUS, in Testem et vindicem Erroris,
 “ per illud assumeretur.

Cùm

abominating, and detesting from the heart the doctrine which is there declared abominable and pernicious.—

“To your Erudition it must be known, that *this doctrine*, which is asserted to be *detestable* in the Oath, is *defended and maintained by most Catholic Nations, and has been often followed in practice by the Apostolical See*. It cannot therefore upon any account be declared detestable and abominable by a Catholic, without incurring by such declaration the imputation of a proposition rash, false, scandalous, and injurious to the Holy See. Besides, whether he be *inviolably* bound, as the new form prescribes, to be always true and *faithful to his Majesty*, which is afterwards explained, to affirm upon Oath — *according to the sense intended by the Laws of Ireland*, is to me a very dubious point. For since the *Laws of England and Ireland* recognize the *King as Head of the Church, and the Fountain of its spiritual Authority*; He who takes such an Oath, and promises to be faithful to his Majesty according to the prescription of the *Laws of Ireland*, might also recognize the King as Head of the Church, and the fountain of its spiritual Authority. Should it happen, that such expressions either were, or could be so understood, your Most Illustrious Lordship, and each of the Catholics themselves ought to take notice, that this is a manifest Error, and directly contrary to the principles of the Catholic Religion, which acknowledges only one *Head and Fountain of all spiritual Authority*, namely the *Roman Pontiff*. And hence appears from this further consideration, how culpable and detestable such an Oath would be, since by it GOD would be introduced as a Witness and Avenger of Error.

Since

“ Cùm itaque adeo irregulare & reprehensibile sit
 “ hujusmodi juramentum, Quis, quæso, animo
 “ revolvere poterit, quo acerbissimo dolore per-
 “ cellendus sit pientissimus animus Sanctissimi
 “ Patris, cùm primùm ad aures ejus pervenerit,
 “ Catholicos Laicos, Ecclesiasticos, & etiam Epif-
 “ copos sese obtulisse, aut minimè repugnantes
 “ sese ostendere, in præstando Regimini, à quo
 “ non postulatur, tale juramentum; quin priùs
 “ Sanctam Sedem interpellaverint, ejusdemque
 “ Oraculum audierint, juxta laudabilissimum
 “ Spiritum filialis observantiæ, ac subordinationis
 “ debitæ Vicario Jesu Christi, eorum Pastoris &
 “ Capitis, & ejus Conformitatis, quam quilibet
 “ Centro Unionis Catholicæ servare debet; quod
 “ singulari eximiâque Veneratione professâ est
 “ INCLYTA NATIO HIBERNICA, CUM
 “ TANTA GLORIA SUI NOMINIS IM-
 “ MORTALIS.

“ Propter has rationes mihi facilè suadeo, quæ
 “ ad nos delata sunt, in omni suâ parte vera non
 “ fuisse. Nihilominus ne in re tam gravi officio
 “ meo deesse videar, muneris mei indispensabilis esse
 “ duxi, hæc ad Illustrissimam Dominationem Ves-
 “ tram scribere, ut suum pastorem Zelum exci-
 “ tem; quatenus si supra-memorata vera existant,
 “ ratione sui spectabilis ministerii, omni cum effica-
 “ ciâ ac prudentiâ, promptiora ac magis apta incun-
 “ tanter afferat Remedia, queis ulterior progressus
 “ tam perniciosæ & scandalosæ Inordinationis im-
 “ pediatur; *revocetque ad propria officia, ut interim*
 “ *datum scandalum reparent*, eos qui jam tale
 “ præstitissent juramentum; quòd cæteroquin, quem-
 “ *admodum in totâ suâ extensione est illicitum, ita naturâ*
 “ *suâ est irritum, ac nullum, nulliusque valoris, ut*
 “ *minime*

“Since then an Oath of this nature is so irregular and reprehensible, Let me ask you, who can conceive, with what extreme bitterness of grief the most pious mind of the most Holy Father must be affected, so soon as the account shall reach his ears, That the Catholick Laity, Ecclesiasticks, and even Bishops, have either voluntarily offered themselves, or shewed not the smallest repugnance to take such Oath to Government, by whom it is not required; without previously recurring to the Holy See, and listening to its oracular decision; according to the most laudable spirit of filial obedience and subordination due to the Vicar of Jesus Christ, their Pastor and Head, and of that conformity to the Center of Catholic Union, which every person ought to observe, and which **THE RENOWNED IRISH NATION**, has with singular and distinguished veneration professed, **SO MUCH TO THE GLORY OF ITS IMMORTAL NAME.**

“For these reasons I readily persuade myself, that the information communicated to us, was not true in every particular. Nevertheless, in order that in a matter of such moment, I may not appear deficient in my official capacity, I thought it my indispensable duty, to write thus to your Most Illustrious Lordship, in order to excite your Pastoral zeal; since if the abovementioned Facts be true, you should, from regard to your respectable ministry, forthwith apply with all possible efficacy and prudence, the speediest and fittest remedies for stopping the further progress of so pernicious and scandalous a Misregulation; and for *recalling those*, who have already taken such Oath, *to their proper duty, that they may in the mean time repair the scandal they have given; because that, as in other respects the Oath is in its whole extent unlawful, so is it in its nature, invalid, null*
and

“ *minimè conscientias adstringere & obligare possit.*
 “ Ipsa, deinde, curet oportet modis omnibus, qui sibi
 “ opportuniore ac efficacior videbuntur, & suæ
 “ prudentiæ magis conformes, ut Episcopis suis
 “ Suffraganeis ostendat, & eorum organo omnibus
 “ Fidelibus, qualem Reatum nova hæc Juramenti
 “ formula adnexum habeat; & quam grave Pecca-
 “ tum perpetrarent ii, qui illud vel præstare paratos
 “ se præbeant, vel malo etiam infortunio jam
 “ præstitissent.”

“ Hinc omnes incitare debet, ut vigentes Pœna-
 “ les Leges, quas huc usque tam laudabili Constantiâ
 “ pertulerunt, & perferre pergant; potius quam, ut
 “ ab iisdem sese eximant, confugiant ad Medium
 “ adeo illicitum & peccaminosum, cum tanto damno
 “ propriarum Animarum, ac ipsius Religionis, quæ
 “ sensim sine sensu ita minorabitur, ut peritura sit
 “ in corde istorum Catholicorum, si, secuti exem-
 “ plum priorum Pastorum, adeo benignas aures
 “ præbent carni & sanguini, ac magis audient
 “ fallaces suggestiones inimicorum nostræ sanctæ
 “ Catholicæ Religionis, quam veram & salutarem
 “ doctrinam vericorum Patris, & Supremi Pastoris;
 “ Quod absit! Et dum, pro nostri animi consolatione,
 “ quam citissima & plenissima expectamus responsa,
 “ quemadmodum suus zelus in re tam gravi sese
 “ prodiderit, singulari dicimur Estimatione

“ Illustrissimæ & Reverendissimæ Dominationis Vestræ

“ Observantissimus Famulus,

“ THO.-MARIA, Archiepiscopus Rhodiensis,

Bruxellis, 14 Octobris 1768.

“ Nuntius Apostolicus.

“ Archiepiscopo Dubliniensi.”

and of no effect, insomuch that it can by no means bind and oblige Consciences. Your Lordship should, in the next place, take care, by all such methods as shall to you appear most expedient and effectual, and most agreeable to your discretion, to signify to your Suffragan Bishops, and by their instrumentality, to all the Faithful, what Criminality this new form of Oath has annexed to it; and how heinous a Sin they commit, who either hold themselves in readiness to take it, or unfortunately have already incurred the guilt of taking it.

In consequence of this, your Lordship should encourage all persons to continue their submission to the Penal Laws in Force, which with such laudable Constancy they have hitherto borne; rather than, from the motive of emancipating themselves from these Laws, to have recourse to Means so unlawful and sinful, attended with such loss to their own Souls, and to Religion itself, which will by imperceptible degrees be so weakened, that it will at length perish in the heart of those Catholicks, if, following the example of their own Pastors, they shall lend so indulgent an ear to Flesh and Blood, and hearken rather to the fallacious suggestions of enemies to our Holy Catholick Religion, than to the genuine and salutary doctrine of their true Father, and supreme Pastor. Which Heaven avert! and, whilst for our Soul's consolation we expect your Answer as speedy and full as possible, according as your Zeal shall manifest itself in so weighty a matter, we subscribe ourselves, with singular Respect,

Your Most Illustrious and Most Reverend Lordship's

Most obedient Servant,

THO.-MARIA, Archbishop of Rhodes,

Brussels, 14th Oct. 1768.

and Apostolical Nuncio."

To the Archbishop of Dublin.

§ Formula novi Juramenti, quod Gubernio *Hiberniæ* præstandum proponitur tum Ecclesiasticis tum Laicis dicti regni, sub spe quod post tale juramentum revocandæ sint leges pœnales, ibi vigentes contra ipsos et Catholicos.

“ Ego N. N. Promitto ac juro super sacrosanctis Evangeliiis, sincerissime, coram DEO & Hominibus, me semper futurum fidem ac fidelem suæ majestati Regi Georgio III. meque eundem semper defensurum, omnibus meis viribus, adversus omnes conjurationes & molimina, quæ attentarentur in suam personam, coronam, aut ejus dignitatem; illudque omne me effecturum, quantum in me erit, ut detegam, & revelem Majestati suæ ejusque successoribus omnes prodiones & conjurationes, quas aliquis aut moliretur, aut peditaretur in ipsum, aut in ejus successores. Et Juro, ac promitto fideliter, me propugnaturum, omnibus meis viribus, successionem coronæ in familia Suæ Majestatis, adversus quamcunque personam. Juro etiam, me abhorrere, detestari, & abjurare, ex intimo cordis mei, perniciosam & abominabilem doctrinam, quod non sit servanda fides, aut promissio Hæreticis facta, aut Principibus excommunicatis, aut quod illi, qui fuerunt a Papa privati, possint deponi, aut occidi ab eorum Subditis, aut a quacunque alia personâ. Juro & declaro solemmniter coram DEO, me hanc facere declarationem & hoc juramentum, juxta sensum communem & ordinarium, & prout a Legislatoribus *Hiberniæ* intenditur, sine equivocatione aut interna reservatione, et quin aliquam anteriorem a Papa obtinuerim dispensationem, aut a quacunque alia autoritate; & tandem, quin ego credam, me unquam absolvi posse, aut dispensari ab onere hujus juramenti a Papa, aut a quocunque alio, qui declarasset hujusmodi juramentum tanquam nullum ab initio naturæ suæ esse habendum.”

* Form of the new Oath proposed to be taken to Government by the Catholics of said Kingdom, as well Ecclesiastics as Laymen, in hopes, after taking such Oath, of a repeal of the penal laws there in force against them.

" I *N. N.* Do most sincerely, in the presence of GOD and Men, promise and swear upon the Holy Gospels, that I will be always true and faithful to his Majesty George III. and him will always defend, to the utmost of my power, against all conspiracies and attempts that shall be made against his Person, Crown or dignity; and that I will do my utmost endeavour to disclose and make known to his Majesty and his Successors, all Treasons and traitorous Conspiracies which shall be formed or meditated against him or them. And I do faithfully promise and swear to support to the utmost of my power, the succession of the Crown in his Majesty's family, against any person whatsoever. I do also swear, that I do abhor, detest and abjure, from the bottom of my heart, that pernicious and abominable doctrine, that no faith or promise is to be kept with Heretics, or Princes excommunicated; or that Princes deprived by the Pope, may be deposed or murdered by their Subjects, or by any other person whatsoever. I do solemnly, in the presence of GOD, swear and declare, that I do make this declaration and this oath, in the plain and ordinary sense, and *as it is intended by the Legislature of Ireland*, without equivocation or mental reservation, and without any dispensation already granted to me by the Pope, or any other authority whatsoever, and without thinking that I ever can be absolved or dispensed from the burden of this oath, by the Pope, or any other person whatsoever, although he should declare that such oath ought to be held, in it's nature, as null from the beginning."

N. B. The Oath of Allegiance at present in use, by virtue of the Act of the 13th and 14th of his present Majesty's Reign, contains the clauses referred to in p. 35, and declared *intolerable* by the Legate.

I .

APPENDIX III.

TAMETSI porro Jusjurandum hoc minus atrox quam præcedens videatur, hoc vel solo nomine, quod expressè non *abjuret*, ut vulgo loquimur, Regem *Jacobum*; crudelitate nihilominus adhuc non vacat, ut plures Proceres Acatholici, tam Spirituales quam Temporales, animadvertebant, in Domo Dominorum contra illud disceptantes, me etiam audiente, qui singulis illis diebus occultus adfui. Enimvero, ut nihil dicam de Limitatione Coronæ ad Hæredes Ducissæ Sophiæ, quæ, (& quamdiu) Protestantes, cum Exclusionem nedum Regiæ Familiæ *Stuartorum*, sed & Principum omnium Catholicorum, hos proximitate Sanguinis sequentium, putà *Caroli-Emanuelis*, Regis *Sardinia*; nihilque dicam de aliis sævis sævissimi Libelli Articulis jam recensitis, quos retulisse, ipsos refutasse est; Nonne plusquam Absurdum foret, quod *Sacerdos Catholicus*, Catholico Populo Verbum DEI Scriptum & Traditum Sermonem & Opere prædicans, eundemque Sacramentis Ecclesiæ pascens, *juret Fidelitatem Regi Georgio, quamdiu Cultor est Religionis Heterodoxæ, quamdiuque Uxorem non habet Orthodoxam; si vero Fidem amplectatur Orthodoxam* (ut anno superiori ipse fecit Gener, *Fredericus* nempe Princeps *Hassia*, vulgo *Hesse-Cassel*) autve Uxorem ducat Orthodoxam, (prout Reges *Carolus Primus* & *Secundus* fecere,) eo ipso *Sacerdos iste Catholicus abjurare debet Regem, cui Fidelitatem ante juravi!* O Facinus plusquam indignum!

APPENDIX III.*

Animadversions on the Heads of Bills for Registering *Popish Priests*, 1756 and 1757. See *Hibernia Dominicana*, by Father *Burke*, (Titular) Bishop of *Ossory*.

ALTHOUGH this Oath may seem less atrocious than the former, on this account at least, that it doth not require us expressly to *abjure* King *James*; yet still it is not free from Cruelty, even in the opinion of several *Uncatholick* Lords Spiritual and Temporal, who spoke against it in the House of Lords, in my hearing; for I was every day present at the debates *incognito*. For, not to mention the Limitation of the Crown to the Heirs of the Duchess *Sophia*, being (and so long as they shall continue) Protestants with Exclusion, not only to the Royal Family of *Stuart*, but of all Catholick Princes next in Blood, for instance *Charles-Emanuel* King of *Sardinia*; not to say any thing of the other cruel Articles aforesaid of that very cruel Bill, of which the bare Repetition is a sufficient Refutation: Would it not exceed the greatest imaginable Absurdity, that a *Catholick Priest*, who instructs his Catholick People in the Will of God from Scripture and Tradition, by his Discourse and Actions, and nourisheth them with the Sacraments of the Church, should swear Fidelity to King *George*, as long as he professeth a Heterodox Religion, or has a Wife of that Religion; but if he should embrace the Orthodox Faith (as his Son-in-law *Frederick* Prince of *Hesse-Cassel* did last Year) or should marry an Orthodox Wife (as King *Charles* the first and second did) that then and in that case the same Catholick Priest ought instantly to abjure the very King, to whom he had before sworn Allegiance! Impiety most horrible!

A P P E N D I X IV.*

*The OATH taken by a Popish Bishop before
Consecration.*

EGO N. Electus Ecclesiæ N. ab hac horâ in
antea fidelis & obediens ero beato *Petro*
Apostolo, sanctæque *Romanæ* Ecclesiæ, & Domino
nostro, Domino Papæ N. suisque successoribus
canonicè intrantibus.

Non ero in consilio, aut consensu, vel factò,
ut vitam perdant, aut membrum; seu capiantur
malâ captione; aut in eos violenter manus quò-
modolibet ingerantur; vel injuriæ aliquæ infe-
rantur, quovis quæsito colore.

Consilium vero, quod mihi credituri sunt per
se, aut nuntios suos, seu literas, ad eorum dam-
num, me sciente, nemini pandam.

“Papatum *Romanum*, & Regalia sancti *Petri*,
“adjutor eis ero ad retinendum, & defendendum,
“salvo meo ordine, contra omnem hominem.”

Legatum Apostolicæ Sedis in eundo, & redeun-
do honorificè tractabo, & in suis necessitatibus
adjuvabo.

“Jura, honores, Privilegia & auctoritatem
“Sanctæ *Romanæ* Ecclesiæ, Domini nostri Papæ &
“successorum prædictorum, conservare, defendere,
“augere & promovere curabo.”

Neque

APPENDIX IV.

I N. Elect of the Church N. from this Hour forward will be faithful and obedient to St. *Peter* the Apostle, and the holy *Roman* Church, and to our Lord, the Lord Pope N. and his Successors canonically entering.

I will not counsel, or consent, or be assisting in or to any Act whereby they may lose Life or Limb; or may be seized and ill treated; or that violent Hands be laid on them in any Manner whatsoever, or that any kind of Injury be done them on any Pretence or Colour.

But any Counsel with which they shall intrust me, whether by themselves, by their Nuncios or Letters, to their Hurt, I will not knowingly discover to any Person.

The *Roman* Papacy and the Royalties of St. *Peter* I will, saving mine own Order, assist them to retain and defend against every Man.

The Legate of the Apostolic See, going out, and returning back, I will honourably treat, and in his Necessities assist.

The Rights, Honours, Privileges and Authority of the holy *Roman* Church, and of our Lord the Pope and his Successors aforesaid, I will be careful to preserve, defend, enlarge and promote.

And

Neque ero in consilio, vel facto, seu tractatu, in quibus contra ipsum Dominum nostrum, vel eandem *Romanam* Ecclesiam, aliqua sinistra vel præjudicialia personarum, juris, honoris, statûs & potestatis eorum machinentur. Et si talia à quibuscumque tractari, vel procurari novero, impediam hoc pro posse; et quanto citius potero, significabo eidem Domino nostro, vel alteri, per quem possit ad ipsius notitiam pervenire.

Regulas sanctorum Patrum, decreta, ordinationes, seu dispositiones, reservationes, provisiones & mandata Apostolica totis viribus observabo, & faciam ab aliis observari.

“Hæreticos, Schismaticos & Rebelles eidem Domino nostro, vel successoribus prædictis, pro posse persequar, & impugnabo.”

Vocatus ad synodum veniam, nisi præpeditus fuero canonicâ præpeditioe.

Apostolorum limina, singulis trienniis, personaliter per me ipsum visitabo; & Domino nostro, ac successoribus præfatis rationem reddam de toto meo Pastoralis Officio, ac de rebus omnibus ad meam Ecclesiæ statum, ad cleri & populi disciplinam, animarum denique, quæ meæ fidei traditæ sunt, salutem, quovis modo pertinentibus; & vicissim mandata Apostolica humiliter recipiam, & quam diligentissimè exequar.

Quòd si legitimo impedimento detentus fuero, præfata omnia adimplebo per certum Nuntium, ad hoc speciale mandatum habentem, de gremio mei

And I will not be concerned in Counsel, Act, or Treaty wherein any Thing disadvantageous or prejudicial to our said Lord, or the *Roman Church*, their Persons, Right, Honour, State and Power, shall be devised. And if I know any such Things to be treated of, or intended, by any Person whatsoever, as far as I am able, I will prevent the same; and as soon as possible will give Information to our said Lord, or to some other Person, by whose means it may come to his Knowledge.

The Rules of the Holy Fathers, the Decrees, Orders or Appointments, Reservations, Provisions and Mandates Apostolical, with all my Might I will observe, and cause to be observed by others.

All Hereticks, Schismatics and Rebels against our said Lord and his Successors aforesaid, I will to the utmost of my Power prosecute and oppose.

When called to a Council I will come, if not prevented by some canonical Impediment.

The Thresholds of the Apostles, every *three Years* * I will personally visit, and of my whole pastoral Charge, and of all things belonging to the State of my Church, the Discipline of my Clergy and People, and in fine, of whatever in any manner concerns the Salvation of the Souls committed to my Trust, to our Lord and his said Successors I will give Account; and on the other Hand, all Apostolical Commands I will humbly receive, and with my best Diligence execute.

But if I be detained by any lawful Impediment, all the aforesaid Particulars I will perform by a trusty Messenger, by me specially commissioned for
that

* See Note p. 137.

mei capituli; aut alium in dignitate Ecclesiasticâ constitutum, seu aliâs personatum habentem; aut, his mihi deficientibus; per diæcesanum Sacerdotem; & clero deficiente omnino, per aliquem alium Presbyterum, sæcularem vel regularem, spectatæ probitatis & religionis, de supradictis omnibus plenè instructum. De hujusmodi autem impedimento docebo per legitimas probationes, ad Sanctæ *Romanæ* Ecclesiæ Cardinalem proponentem, in Congregatione sacri concilii, per supradictum Nuntium transmittendas.

Possessiones verò ad mensam meam pertinentes non vendam, nec donabo, neque impignorabo; nec de novo infeudabo, vel aliquo modo alienabo, etiam cum consensu Capituli Ecclesiæ meæ, inconsulto *Romano* Pontifice. Et si ad aliquam alienationem devenero, pænas, in quâdam super hoc editâ constitutione contentas, eo ipso incurrere volo.

that purpose, from among my Chapter, or possessed of some ecclesiastical Dignity, or at least of some Parsonage; or failing these, by some Priest of my Diocese, or in case none such can be found in the number of my Clergy, then by some other Priest, Secular or Regular, of signal probity and religion, who shall be fully intrusted in all Things before mentioned. But of such Impediment I will give due information, by legal proofs to be transmitted by my aforesaid Messenger to the propounding Cardinal of the Holy *Roman* Church in the Congregation of the Sacred Council.

The Possessions belonging to my Table I will neither sell, give away, mortgage; nor invest anew, nor in any manner alienate, even with the Consent of my Chapter, without consulting the *Roman* Pontiff. And if I make any such Alienation, I am willing directly to incur the Penalties contained in a certain Constitution set forth thereupon.

N. B. Four Years are allowed to Bishops in *Ireland*. See Rubrick in *Pont. Rom.* and the Case of *Stephen M'Egan*, Bishop Elect of *Clonmacnoise* 1726. *Burke's Hibernia Dominicana*, P. 503.

I N D E X.

	Page
P REFACE (to the ninth Edition) — —	3
Extract from the Preface to the <i>London</i> Edition	13
Introduction — — — — —	19
Sect. I. Importance of the Ecclesiastical to the Civil Constitution — — —	23
II. Charge of Extortion in the Composition for Tithes — — —	38
III. Revenues of the Parochial Clergy, —	47
IV. Defects in the Settlements of the Church	59
V. Commutation — — —	64
VI. Bad Effects of Innovation, on either Plan	80
VII. Remedies of Defects in the Settlement of the Church — — —	89
VIII. Injury sustained by the Parochial Clergy, and Means of re-instating them	92
Postscript. On the Letter <i>intended</i> as an Answer to <i>Theophilus</i> , respecting <i>Information of Facts</i> —	
Appendix I. On the same Letter, respecting the Ecclesiastical Courts — —	111
II. Letter to the (Titular) Arch-Bishop of Dublin in the Year 1768 from the Pope's Legate at Brussels	118
III. Animadversions on the Heads of Bills for registering <i>Popish</i> Priests, 1756 and 1757 — —	130
IV. Oath taken by a <i>Popish</i> Bishop before Consecration —	132



